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THE P.E.I. COMMITTEE ON VICTIMS OF CRIME:

REPORT FOR THE VICTIMS OF CRIME MONITORING & EVALUATION STUDY

A report of the activities, strategies, and process used to initiate improvements for victims of crime on Prince Edward Island, July, 1984 - June, 1987.

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June, 1987

Report prepared for the P.E.I. Committee on Victims of Crime, P.E.I. Department of Justice, and Programmes Branch, Solicitor General Canada. The views expressed in this report are those of the author and do not necessarily reflect the views of the Solicitor General of Canada or the P.E.I. Department of Justice.

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I. INTRODUCTION

A. Background: The Study for the Planning of Victim Assistance Services on P.E.I.

In April of 1983, the Ministry of the Solicitor General commissioned Abt Associates of Canada to carry out the Study for the Planning of Victim Assistance Services on P.E.I. The conduct of this study was guided by the P.E.I. Department of Justice, the Research Division of the Ministry of the Solicitor General and the P.E.I. Committee on Victim Assistance (P.E.I.C.V.A.). P.E.I.C.V.A. membership included representatives of the R.C.M.P., the P.E.I. Department of Justice, the P.E.I. Department of Health and Social Services, Provincial Court (both Judges and Crown Prosecutors), the Transition House Association, the P.E.I. Rape and Sexual Assault Centre, the Federation of P.E.I. Municipalities, the Justice Resource Service and the Consultation Centre (Solicitor General).

The reports resulting from the Study for the Planning of Victim Assistance Services on P.E.I. were completed in March, 1984. Exhibit 1 is an excerpt from the report (Merideth, C. & Conway, E. The Study for the Planning of Victim Assistance Services on P.E.I., 1984, Vol. I, Executive Summary) outlining major findings regarding general victims, wife assault victims, commercial/institutional victims, and Crown witnesses and the general conclusion.

The Summary Report of the above-noted study was considered by Executive Council of Prince Edward Island and was released as a public document on June 22, 1984. The Minister of Justice was authorized by Executive Council to establish an implementation committee.

Exhibit 1. Major Findings & General Conclusion from The Study for the Planning of Victim Assistance Services on P.E.I.

MAJOR FINDINGS

Victims of general crime

- Among victims of property loss and damage crimes average values of loss/damage were generally low. The items most often reported stolen and/or damaged were motor vehicle parts and accessories, bicycles, and dwelling structures. Many but not all of these losses were covered by insurance. As an alternative recovery strategy, a majority of the victims interviewed (78%) expressed support for the concept of direct restitution by convicted offenders.

- Of the threat/attack victims interviewed, 48% reported being injured as a result of their victimization. Medical treatment was required in roughly half of these cases (typically emergency treatment only).

- The predominant emotional reactions to the reported crimes were anger and various expressions of nervousness and fear. A sizable proportion of the interviewed victims (16%) reported a need for someone to talk to about what happened to them. Of the victims interviewed, 87% were able to discuss the incident with their families and friends. A number of social agencies on P.E.I. are also available to provide counselling.

- One of the greatest needs identified by the study was that of providing more information to victims on services available to them. An agency inventory conducted as part of this study identified 25 agencies offering services of potential value to P.E.I.'s crime victims. Related data, however, indicated that awareness of these services was low both among victims, and among criminal justice and social services system personnel.

- The victim survey results indicated general satisfaction with the services provided by the police. Needs were, however, expressed for more information on case progress, more information on crime prevention measures and more information on other services available to help with their problems.

Victims of wife assault

- In anticipation of difficulties in contacting wife assault victims to interview, we used both police records and the generous assistance of the staff of Anderson House (a shelter for wife assault victims) to identify potential interviewees. Despite these extraordinary efforts, however, we were able to complete only 34 interviews with wife assault victims.

- Of the wife assault victims completing the first survey, fifteen (44%) reported that they were only threatened verbally while seventeen (50%) were either punched, kicked or slapped.

- Alcohol abuse was a frequently reported factor precipitating wife assaults.

- Victims were asked whether they were living with their assailant at the time of the incident, at the time of the first interview, and at the time of the second interview (if any). Of the 11 police-referred victims, only two (18%) were living with their assailants at the time of the incident; of these one left and stayed at Anderson House. Only one police-referred victim was still living with her husband at the time of the second interview. Of the Anderson House-referrals, 21 of 23 victims (91%) were living with their assailants at the time of the incident.

- For most of the wife assault victims interviewed, the reported incident was quite traumatic. Among the frequently reported reactions were: fear, anger, shaking and crying. As well, seven (21%) of the victims interviewed were physically sick or nauseous following the incident.

- The most frequently expressed need (91% of the victims interviewed) was for professional help for their assailants.

- Needs were also frequently expressed for someone to stay with the victims to provide company/security following the incident (76%), and for someone to talk to after the police left (62%). These two needs were met by family and friends in 95% and 81% of the relevant cases, respectively.

- Over 80% of the victims who sought shelter outside their own homes reported their need for emergency financial assistance during the period immediately following the incident.

- The most important practical need was for emergency shelter. Six of the 11 police-referred victims took shelter outside their home after the incident, even though only two of them had been living with their partner at the time.

- Information on legal procedures was needed by 25 of the 34 victims or 74%. Only 12 or 60% of these victims received the legal advice they needed.

- Of 27 victims who contacted the police concerning their problems, nine (33%) indicated they were very satisfied, 14 (52%) were satisfied, and four (15%) were not satisfied with the manner in which the police handled their calls.

Commercial/institutional victims

- The response to the commercial/institutional mailout survey was very enthusiastic, as evidenced by the 71% response rate.

- Of the survey respondents, 68% reported that some of their property was stolen, while 63% reported property damage (31% reported both).

- Only a small proportion of these losses due to property theft and damage were covered by insurance -- 9% were fully or partially covered.

- The commercial/institutional victims were generally very positive in their assessments of police performance.

- Suspects were identified in 47% of the cases surveyed. Charges were laid in two-thirds of these cases.

- Of those cases where charges were laid, only 9% required the victims to attend court as a witness. The average time commitment required of these individuals was roughly three hours.

- Restitution was ordered in almost half of those cases resulting in convictions. However, only half of these orders were reported as being enforced.

- Victim's property was recovered and held as evidence by the police in the cases of 14% of the survey respondents. The length of time this property was held varied from less than one month (11%), through 1-2 months (33%), and 3-4 months (33%) to more than 5 months (11%).

- Almost half of our survey respondents reported taking one or more crime prevention measures since the incident.

- Frequently offered opinons on how the police and courts could be more helpful in dealing with commercial victimization included suggestions that the police:

  - should keep victims better informed on case progress and outcomes,
  - should increase patrols in problem areas, and
  - should lay charges more often;

  and that the courts

  - should impose stiffer penalties,

- should increase the use of restitution,
- should better enforce restitution orders, and
- should make parents more responsible for the behaviour of their children.

Crown witnesses

- The average elapsed time between the crime and the conclusion of the trial was seven months.
- Over 98% of the witnesses interviewed indicated that they understood their requirement to appear in court as embodied in their subpoenae.
- Only 9% of the witnesses interviewed sought any legal advice or assistance for themselves. Typically, these individuals were the victims of the crimes being tried.
- Little evidence of witness intimidation was produced by the surveys.
- Only 10% of the witnesses had any contact with the Crown Prosecutor following completion of their trials. As a result, many (20%) were unaware of the outcome of the trial.
- 75% of the employed witnesses reported some salary loss (average $89) as a result of their requirement to attend court.
- Approximately one-third of the witnesses interviewed indicated that more advance information about court procedures would have been helpful to them.

In general, the data gathered in the course of this study indicated that major new initiatives were not required to meet the needs of crime victims and witnesses on P.E.I. Rather, the optimum approach sufficient to meet identified needs would involve certain changes in criminal justice system procedures, and improved integration and co-ordination of existing services. The only exception to this general finding concerns the needs of wife assault victims. While the data gathered for this study on the problem of wife assault reflected the experiences of relatively few individuals, it was apparent from these data that many of these people are in need of more positive support from the police and courts, as well as from society at large.

The following is a summarized list of the 21 recommendations from the Study for the Planning of Victim Assistance Services on P.E.I. Recommendations #7-16 refer to wife assault victims and recommendations #17 and 18 refer to Crown witnesses.

1. Restitution should be ordered whenever possible, and ensure orders are enforced.
2. Prompt return of recovered goods by using photographs as evidence whenever applicable.
3. Consider compensation in P.E.I. for injured crime victims.
4. Police to provide case progress information to victims.
5. Police to provide crime prevention information.
6. Develop handbook of services available to victims so police can provide information.
7. Police should develop a system to identify and count all cases of wife assault.
8. Legislation (not proclaimed) which would have enabled police to remove alcohol abusers from their homes should be reviewed.
9. Review police response to wife assault complaints to ensure efforts are being made to assist victims.
10. Police, social workers, and other professionals should refer men who batter to the group counselling programme (Turning Point), and judges should consider as a sentencing option.
11. Stable and adequate funding arrangements should be made for Anderson House.
12. Police and social service staff should ensure a system of providing transportation to Anderson House.
13. Legal aid should be reviewed with consideration being given to the needs of wife assault victims.
14. Police to provide information regarding legal options and case progress information.
15. Charges should be laid promptly by police where sufficient evidence is present.
16. P.E.I. Department of Justice should work toward a satisfactory solution to wife assault regarding the Family vs. Criminal Court question.
17. A witness information brochure should be distributed with each witness subpoena.
18. Each subpoenaed witness should be sent a letter from the Crown Prosecutor informing them of the outcome of the trial and thanking them for co-operation.
19. Establish a working committee to integrate and co-ordinate the service network to victims of crime.

20. Consider P.E.I. as a test site for comprehensive police training to increase quality and services to crime victims.
21. Monitor and evaluate changes in procedures and services initiated as a result of the recommendations.

B. **Formation of P.E.I. Committee on Victims of Crime**

In order to implement the recommendations from the Study for the Planning of Victim Assistance Services on P.E.I., the Hon. George McMahon, at that time Minister of Justice for the Province of P.E.I., established the P.E.I. Committee on Victims of Crime by letter of invitation dated July 25, 1984. This report describes in detail the work of the P.E.I. Committee on Victims of Crime from its formation through to June, 1987.

C. **Initiation of Monitoring & Evaluation Study**

Recommendation #21 from the Study for the Planning of Victim Assistance Services on P.E.I. states in full: "The impact of new procedures/services should be monitored and evaluated in terms of their effects on both victims and the criminal justice and social service systems." In conjunction with the provincial government's commitment to work towards implementation of recommendations from the Study through a committee process, Solicitor General Canada agreed to provide funding for research assistance to this innovative approach to victim services.

In January, 1985, Solicitor General Canada and the P.E.I. Department of Justice signed a contract for a monitoring and evaluation study. The purpose of this contract was to assist the P.E.I. Department of Justice and the P.E.I. Committee on Victims of Crime in:

1. monitoring, documenting, and reporting its efforts to implement recommendations for improving services to victims; and
2. researching the impact of the above efforts on victims and the criminal justice system as a whole.

Surveys conducted during the monitoring and evaluation study included the following: surveys of wife assault victims for incidents occurring between April 1, 1985, and September 30, 1986; surveys of sexual assault victims for incidents occurring between April 1, 1985, and November 30, 1986; surveys of general victims and commercial/institutional victims for incidents occurring between October 15 - December 15, 1985, and March 1 - April 30, 1987; follow-up surveys of wife assault, sexual assault and general victims whose cases were proceeding through the court process; surveys of Crown witnesses subpoenaed to appear before the court between September 1, 1986, and January 30, 1987; and a survey of front-line police officers conducted between October, 1986, and January, 1987. Key informant surveys were conducted through individual interviews with judges, Crown attorneys, and supervisory police personnel during June and July, 1985; and through group consultation with senior justice personnel and representatives of social agencies in November, 1986. All surveys were conducted on a province-wide basis. Only adult victims and witnesses (i.e., those over the age of 16 years) were contacted for interviews. For comparability purposes, questionnaires and survey methods used were similar to those designed for the Study for the Planning of Victim Assistance Services on P.E.I.

II. EXECUTIVE SUMMARY

This report describes in detail the work of the P.E.I. Committee on Victims of Crime (Victims Committee) from its establishment by the P.E.I. Minister of Justice in July, 1984, through to its final meeting in June, 1987. The primary responsibilities included in the Committee's terms of reference have been: to implement recommendations from the Study for the Planning of Victim Assistance Services on P.E.I. (1984); and to develop and carry out a plan for the integration and co-ordination of available community resources for the benefit of victims of crime.

Membership on the Victims Committee has included representatives of the following departments and agencies: Provincial Court, R.C.M.P. "L" Division, P.E.I. Association of Chiefs of Police, Department of Social Services, Interagency Committee on Domestic Violence, Federation of P.E.I. Municipalities, Chambers of Commerce, School Boards, P.E.I. Working Committee on Wife Battering, P.E.I. Department of Justice (Administration), Solicitor General Canada, and the Atlantic Police Academy. The Committee has been chaired by the Director of Community & Correctional Services; executive assistance has been provided by the Co-ordinator of the Justice Resource Service.

Activities & Strategies

As a first step towards implementing the 21 recommendations, the P.E.I. Committee on Victims of Crime initiated work plans which included: preparing and reviewing working pages outlining possible actions to be taken on each recommendation; proceeding first with those recommendations which would most quickly have an impact on victims; establishing sub-committees to deal with some of the recommendations; and planning to meet with key groups and individuals to acquire additional information and input regarding certain recommendations.

The Restitution Sub-committee dealt with recommendation #1 (ordering and enforcing of restitution orders); the Police Sub-committee with #3 (photographing evidence), #4 (police cards), and #20 (police

training); and the Publications Sub-committee with #6 (directory of services) and #7 (witness brochure).

In May, 1985, the Victims Committee met with the Director of Prosecutions to discuss recommendations #1 (restitution), #2 (photographing evidence), #8 (protective legislation), #16 (wife assault cases in Provincial Court), and #18 (letter to witnesses); and with the Director of Legal Aid to discuss recommendation #13 (review of Family Legal Aid).

During the fall of 1985, the Victims Committee invited briefs from and met with representatives of the Transition House Association, P.E.I. Rape & Sexual Assault Crisis Centre, Turning Point Group, Alcohol & Drug Problems Institute, and Mothers Against Drunk Drivers. These meetings brought additional suggestions and information to the attention of the Victims Committee, as well as reinforcing some of the recommendations from the Study for the Planning of Victim Assistance Services on P.E.I.

In the spring of 1986, the Victims Committee held a series of public workshops across P.E.I. Objectives of the workshops were: to inform the public about the work of the Victims Committee; to provide an opportunity to discuss local issues with interested groups and individuals; and to build relationships and networking between the criminal justice system and the community. Each of the five workshops had a particular area of focus, i.e. break and enter, domestic violence, youth and vandalism, drinking and driving, and sexual assault. A final "wrap-up" session was entitled "Victims of Crime: A Challenge for the Future."

Through its efforts to implement recommendations and through input from special interest groups and the general public, the Victims Committee identified the need for staff resources to co-ordinate services for victims of crime, to fill gaps in services, and to establish and administer a criminal injuries compensation programme. After carrying out a Victim Assistance Feasibility Study during the spring and summer of 1986, the P.E.I. Department of Justice

submitted a proposal to the Federal Department of Justice for the ten-month developmental phase of a Victim Assistance Programme. Funding was approved in April, 1987, and the developmental phase is expected to begin in June, 1987.

In November, 1986, the Victims Committee held a Consultation with Senior Justice Personnel to discuss issues stemming from recommendations #8, 13, and 16, all of which pertain to wife assault victims. Matters discussed included the need for protection following assault incidents, improved access to legal services, and appropriate mechanisms in Family and Criminal Court to deal effectively with wife assault.

During the course of its activities, the Victims Committee submitted three reports to the P.E.I. Minister of Justice and representatives of the Committee met with the Minister on several occasions. These reports and meetings served to keep the Minister informed of the Committee's activities; to request action, e.g. policy directives, on some matters; and to obtain his guidance on the future direction of the Committee.

Structure & Roles

The membership of the P.E.I. Committee on Victims of Crime has consisted of a diverse representation of interests, expertise, and knowledge. Positive effects of this mixture include increased communication, understanding, and awareness among members. On the other hand, the diversity of the group and the complexity of dealing with 21 wide-ranging recommendations has slowed down the implementation process somewhat. The Committee has experienced considerable turn-over in its membership. Maintaining momentum over the three-year period has provided an additional challenge to the Committee. Much of the Committee's progress has resulted from the initiatives of individual members and the work of the three sub-committees.

The roles of the Director of Community & Correctional Services (serving as Chairperson to the Committee), the Co-ordinator of

the Justice Resource Service (providing executive assistance), and the researcher (monitoring progress and providing statistical information) have been central to the work of the Committee, both during and between meetings.

Implementation of Recommendations

The following is a brief summary of actions taken to implement recommendations from the Study for the Planning of Victim Assistance Services:

#1 restitution - Additional research indicates that restitution is ordered when appropriate and restitution orders are enforced whenever possible. Court clerks are now paying restitution to victims in disbursements as received, rather than waiting until each order is paid in full. Probation Services has developed form letters to inform victims when restitution is ordered and the terms of payments.

#2 photographing evidence - Guidelines for photographing and returning recovered goods whenever possible have been developed and are now police policy across P.E.I.

#3 criminal injuries compensation - Compensation for victims of violent crime has been included as part of a Victim Assistance Programme, the developmental phase of which is scheduled to begin during June, 1987.

#4 case progress information - Cards for police to give to victims to make it easier for them to obtain case progress information have been printed and distributed to R.C.M.P. and municipal police across P.E.I.

#5 crime prevention information - Additional research indicates that police are doing as much as possible in the area of crime prevention information for victims.

#6 handbook of services - A compact Directory of Services for Victims of Crime has been developed and distributed to police and other agencies dealing with victims of crime.

#7 identifying wife assault cases - The R.C.M.P. now code wife assaults separately from other assaults and municipal police file these cases separately.

#8 protective legislation for wife assault victims - The Victims Committee reviewed the proposed changes to the Mental Health Act which would have enabled police to remove alcohol abusers from their homes and agreed that this proposed legislation is contrary to the Charter of Human Rights. The Committee recognizes the need, however, for protection of wife assault victims from further harassment and abuse. This matter was discussed at the Consultation with Senior Justice Personnel in November, 1986. Several recommendations for protective mechanisms were subsequently carried forward to the P.E.I. Minister of Justice.

#9 review police response to wife assault cases - As part of the monitoring and evaluation study, interviews with wife assault victims were conducted between April, 1985, and September, 1986. Information collected included the victim's perception of the police response. Compared to the 1983 wife assault survey, there seems to be less hesitancy to call the police, regardless of whether the victim is living with the assailant or not, and less of a perception that police will not respond to domestic disturbances.

#10 referrals to Turning Point - Clients are now being referred to the assaultive men's group treatment program by the courts and social workers, but police are not yet making referrals. This situation should improve as the Turning Point committee strengthens its ties with police, particularly if it is able to secure funding to further develop and publicize the Turning Point program.

#11 funding for Anderson House - The Victims Committee indicated its support of this recommendation in a letter to the Minister of Health and Social Services dated December 27, 1984. The community continues to maintain a high level of financial support for Anderson House. The provincial government has approved sufficient funding for 1987-88, but the long-term financial situation is not yet stable.

#12 transportation to Anderson House - Social Services now has a policy of providing transportation to Anderson House, but this policy is not yet in writing and research indicates that most front-line police officers are not aware of it.

#13 review of Legal Aid - The Victims Committee is concerned that Family Legal Aid address the needs of wife assault victims in particular. In May, 1985, the Committee met with the Director of Legal Aid to discuss this matter. It was also discussed at the Consultation with Senior Justice Personnel in November, 1986.

A revised recommendation for an independent review of Legal Aid was carried forward to the P.E.I. Minister of Justice in February, 1987.

#14 police to provide information to wife assault victims regarding legal options - The "What Battered Women Should Know About the Law" booklet and brochure have been distributed to all police detachments/departments and to other agencies which assist victims of wife assault. However, police have not been routinely distributing the brochure to wife assault victims. This finding suggests the need for a renewed effort to familiarize police officers with the brochure and encourage its distribution.

#15 police laying charges in wife assault cases - Police policy is to lay charges when there are reasonable and probable grounds to believe that an assault has taken place. Research findings suggest that in most cases, police are following this new policy.

#16 courts dealing with wife assault cases - This matter was discussed at the Consultation with Senior Justice Personnel in November, 1986. A number of issues are involved and several suggestions have been put forward. In response to a recommendation from the Victims Committee that cases involving personal injury be given priority consideration by the courts, the Minister issued a directive to Crown attorneys to deal with these cases as expeditiously as possible. The Victim Assistance Programme will also be helpful

in improving communication and co-ordination between court levels and in providing information and support to victims of wife assault throughout the court process.

#17 information brochure for witnesses - A Guide for Witnesses has been developed, printed and distributed to court clerks and police for enclosure with all witness subpoenas. Research indicates, however, that this brochure is not consistently being attached to subpoenas.

#18 letter to witnesses thanking them and informing them of the outcome of the trial - This recommendation has met with mixed response from criminal justice personnel and has therefore not been implemented. Discussion led the Victims Committee to consider other witness needs, particularly standardization of witness fees, separate waiting areas in courthouses, and improved communication regarding rescheduling or change of plea in court cases. By working through the P.E.I. Association of Chiefs of Police and the Minister of Justice, the Victims Committee initiated the adoption of a standard witness fee structure across the province. The need for separate waiting areas was addressed in a letter to the Minister of Justice dated March 18, 1987, and is included in the Victim Assistance Programme, together with improved communication of information to victims/ witnesses.

#19 committee to co-ordinate services and to determine the resources necessary to maintain a network of services for victims - By working towards implementation of recommendations, the Victims Committee has made as much progress as possible towards integrating and co-ordinating services for victims, given the constraints imposed by its existence as a committee with no additional staff resources specifically allocated for co-ordinating or providing services. The Committee has determined the resources necessary to maintain a viable and effective network of services for victims and has developed a proposal for a Victim Assistance Programme based on this determination. The purpose of the Victim Assistance Programme will be to co-ordinate services to victims and to fill existing

gaps identified by the Victims Committee through its work. Primary service activities will include: provision of information, emotional support, referral to needed services, assistance with financial reparation (including criminal injuries compensation), increased use of Victim Impact Statements, victim/witness services, and handling victim complaints. Co-ordinators of victim services will be based at the five courthouses across the province and will link together police and court-based services. The province will be considering a victim surcharge system to assist with funding the programme.

#20 training of police officers - The Police Sub-committee has initiated discussions with the P.E.I. Association of Chiefs of Police regarding pilot-testing on P.E.I. of a Victim Response Course recently developed in Calgary.

Conclusion

During its three years of operation, the P.E.I. Committee on Victims of Crime has initiated a number of policy and procedural changes, has developed materials designed to assist victims/witnesses, and has contributed to an increased awareness of victims' rights and needs.

The tasks not fully completed by the Victims Committee have either been included in the proposed Victim Assistance Programme or are under consideration by the P.E.I. Association of Chiefs of Police or the P.E.I. Minister of Justice.

Committed people and good process are two essential factors which contributed to the achievements of the P.E.I. Committee on Victims of Crime. These factors resulted in: an effort to maximize input from other criminal justice personnel, community groups, and the general public; time for open discussion of attitudes and opinions; flexibility in adapting recommendations as new information became available; the use of sub-committees to carry out specific tasks; periodic review and updating of progress in implementing recommendations; consciousness of the province-wide scope of the Committee's activities; and an effort to learn what it could from the experiences of other areas of the country.

Factors which made the Committee's work somewhat difficult included: the lack of a time-frame or deadlines for completion of tasks; and the lack of a mechanism or staff resources to ensure that changes initiated by the Committee worked their way down through the system.

Chapter V of this report includes a series of guidelines for others attempting to initiate improvements for crime victims by using a co-ordinating committee approach.

To conclude, the work of the P.E.I. Committee on Victims of Crime must be seen as part of an ongoing process to plan and implement improvements in the criminal justice response to victims of crime on P.E.I. The Committee has shown commitment, persistence, and flexibility and has, for the most part, accomplished what it set out to do.

III. P.E.I. COMMITTEE ON VICTIMS OF CRIME

A. Representation and Terms of Reference

The P.E.I. Committee on Victims of Crime was established by letter of invitation from the P.E.I. Minister of Justice dated July 25, 1984, to representatives of the following departments and agencies: Provincial Court, R.C.M.P. "L" Division, P.E.I. Association of Chiefs of Police, Department of Social Services, Interagency Committee on Domestic Violence, Federation of P.E.I. Municipalities, Chambers of Commerce, School Boards, P.E.I. Working Committee on Wife Battering, P.E.I. Department of Justice (Administration), and the Solicitor General Canada. (For list of membership see Appendix "A" attached.)

The Committee was structured to include representation from interest groups representing the types of victims as delineated in the research (general victims, commercial/institutional victims, wife and sexual assault victims), the various components of the criminal justice system and related agencies. In keeping with the province-wide scope of the Committee's mandate, representatives were sought from Summerside as well as Charlottetown. To facilitate communication regarding implementation of recommendation #20 (police training) from the Study for the Planning of Victim Assistance Services on P.E.I., representation from the Atlantic Police Academy was added following the Committee meeting of January 22, 1985.

The P.E.I. Committee on Victims of Crime (also referred to as the Victims Committee) has been chaired by Phil Arbing, Director of Community & Correctional Services, Department of Justice. Julie Dodd, and more recently, Jill Lightwood, Co-ordinator of the Justice Resource Service, have provided executive assistance to the Committee.

Terms of reference established by the P.E.I. Minister of Justice for the Victims Committee read as follows:

1. To implement, where possible, the recommendations contained in the Study for the Planning of Victim Assistance Services on Prince Edward Island.
2. To develop and carry out a plan for the integration and co-ordination of available community resources for the benefit of victims of crime.
3. To review, and include where appropriate, other studies/ reports relating to victims of crime (e.g., The Prince Edward Island Report to the Federal/Provincial/Territorial Working Group on Wife Battering and The Report of the Canadian Federal/Provincial Task Force on Justice for Victims of Crime).
4. To advise government, through the Minister of justice, on issues related to victims of crime.
5. To prepare a progress report for the Minister of Justice every six months or as needed or requested.

B. Summary of Activities and Strategies

The Victims Committee held its first meeting on September 25, 1984, and meetings have been held on a more or less monthly basis since then. After an initial review of the Study for the Planning of Victims Assistance Services on P.E.I. and other related national and provincial activities, the Committee reviewed and discussed each recommendation separately and in numerical order.

1. IMPLEMENTATION OF WORK PLAN

In order to sort and priorize recommendations, the Victims Committee decided to prepare working pages on each recommendation including columns for: possible short-term actions, other information required, possible longer-term actions, and comments. The working pages were intended to outline activity on each recommendation to date; to serve as a basis for Committee members to focus on and priorize their interests; and to serve as a basis for the Committee to establish a workplan.

Using these working pages as a planning tool at its meeting on February 26, 1985, the Victims Committee decided:

1. To proceed first with the recommendations which can most quickly have an impact on victims, e.g. police

card for case progress information, witness brochure, and directory of services;

2. To establish three Sub-committees, i.e. police, restitution and publications, to deal with specific recommendations; and
3. To decide what groups or representatives the Victims Committee needs to meet with and in what order.

To assist the Victims Committee with assessing progress to date and work remaining to be done, the working pages were updated for review at the Committee meeting of February 5, 1986. Exhibit 2 illustrates an example of both the original and updated versions of the working pages.

2. FORMATION OF SUB-COMMITTEES

The three sub-committees mentioned above (i.e. police, restitution, and publications) were formed to deal with specific recommendations which required further consideration or an action plan to ensure their implementation. The sub-committees functioned as working groups with members taking on specific tasks appropriate to their professional positions; for instance, since the representative from the P.E.I. Working Committee on Wife Battering was an employee of the Department of Education, she arranged to have the Guide for Witnesses grade-level tested by computer as part of her contribution to the work of the publications sub-committee.

The Restitution Sub-committee was formed specifically to deal with Recommendation #1, since many issues and questions around this recommendation had been identified. Members of this Sub-committee included the Chair of the Victims Committee, a Provincial Court clerk, the researcher, and representatives from the Federation of P.E.I. Municipalities and the Unit 3 School Board. The progress of the Restitution Committee towards implementing this recommendation is discussed further under Section IV, A.

Exhibit 2. Examples of Working Pages

RECOMMENDATION #1: Restitution should be part of the sentences imposed in cases of property loss/damage whenever possible. Measures should also be followed to ensure that restitution orders are enforced.

a) Original Version: 1985

Possible short-term actions	Other information required	Possible long-term actions	Comments
- designate person and provide information to the courts (e.g. police/victim) - ensure crown requests restitution - improve phrasing of restitution on probation orders - inform victim of activity by distributing copies of court orders and correspondence	- is legislation adequate? - are there delays in collecting/ distributing restitution? - what are the effects of plea bargaining on restitution? - what costs should be included: actual damage or out of pocket expenses such as loss of work? - what is present level of restitution ordered/collected in P.E.I.?	- explore creative approaches for funding when offender unable to pay	

b) Updated Version: 1986

Information gathered to date	Other information required	Actions taken to date	Possible future actions	Comments
Data gathered on restitution paid out by Provincial Courts in Charlottetown, Georgetown, and Summerside during 1984 indicated: 1) 163 orders paid totalled approximately $43,000; 2) average order: $260.00; 3) range of orders: $5.00 to $2,600.00; 4) collection rate: approximately 80% of total amount; 5) most restitution orders are paid quickly, but 23% took between 2 and 3 years to collect; 6) in most cases, restitution was paid to the victim after the total amount had been collected by the Courts, except in Georgetown where it was paid to the victim in disbursements as it was received by the Court.		restitution sub-committee discussed issues and problems around restitution; court clerks in all 5 courts agreed to pay out restitution to victims in disbursements whenever they receive payments from the offenders; - victims survey will determine whether this method is preferred by victims and will also gather more information on ordering of restitution	determine mechanism for informing victim when restitution is ordered - who will do this? also need to improve communication to victims about when case is coming before court and what information is needed to help ensure that restitution will be ordered; victim assistant could help co-ordinate communication between victim, police, and court.	

The Police Sub-committee consisted of representatives from the R.C.M.P. and the P.E.I. Association of Chiefs of Police, the Co-ordinator of the Justice Resource Service, and the researcher. This Sub-committee dealt with Recommendation #3 (photographing evidence) and #4 (police cards). This sub-committee was revived in 1987, with the Director of Community & Correctional Services replacing the Co-ordinator of the Justice Resource Service, to work towards implementing recommendation #20 (police training).

The Publications Sub-committee included the representative from the P.E.I. Working Committee on Wife Battering, the Co-ordinator of the Justice Resource Service, and the researcher, as well as the Executive Director of the Community Legal Information Association (not represented on the Victims Committee). The work of this Sub-committee resulted in printing and distribution of a Directory of Services for Victims of Crime (Recommendation #6) and a Guide for Witnesses (Recommendation #17).

3. MEETINGS WITH KEY INDIVIDUALS

At its meeting of February 26, 1985, the Victims Committee recognized that certain recommendations required the input and co-operation of key individuals within the criminal justice system if they were to be implemented. The key individuals identified were the Director of Prosecutions, the Director of Legal Aid, and the Provincial Court judges. The strategy the Victims Committee adopted was to invite these individuals to meet with the Committee.

On May 24, 1985, the Victims Committee met with Dick Hubley, Director of Prosecutions, and Kent Brown, Director of Legal Aid. Discussion with the Director of Prosecutions centred around Recommendations #1 (restitution), #2 (photographing evidence), #8 (protective legislation), #16 (wife assault cases in Provincial Court), and #18 (letter to witnesses). Discussion with the Director of Legal Aid concerned Recommendation #13 (review of family legal aid).

The Victims Committee invited the Provincial Court judges to meet with the Committee in order to gain their input on recommendations, particularly regarding the justice system response to family violence. The suggested date of June 14, 1985, was not feasible for the judges. Although further invitations were extended to the judges, a meeting was never successfully arranged. However, meetings of the researcher with the judges as part of the monitoring process provided some liaison between the judges and the Committee.

4. MEETINGS WITH SPECIAL INTEREST GROUPS

The Victims Committee recognized that some groups with a special interest in particular types of crime victims had not been invited to have representation on the Committee. This decision had been made in order to keep the Committee to a manageable size. Some of these groups (i.e. Transition House Association, P.E.I. Rape & Sexual Assault Crisis Centre, Turning Point Group, and the Alcohol and Drug Problems Institute) are part of the Interagency Committee on Domestic Violence and are thus somewhat indirectly represented on the Victims Committee through the Interagency Committee representative. Nevertheless, the Committee agreed that it would be helpful to have some direct input from each of the above-noted groups as well as Mothers Against Drunk Drivers, the P.E.I. Native Council, and the P.E.I. Association for the Mentally Retarded.

Each group received a written invitation to meet with the Committee and to present a brief. Background information on the Study for the Planning of Victim Assistance Services on P.E.I. and the work of the Victims Committee was included with the letters of invitation. The purposes of the meetings were stated as:

1. to discuss the groups' views and ideas on recommendations contained in the report, for the purpose of providing information that may be used in implementing the recommendations; and

2. to identify areas not addressed in the report which the implementation of recommendations may assist, or which may be included in a report to the Minister of Justice of gaps in services to victims of crime.

At its meeting on September 24, 1985, the Victims Committee heard briefs from three special interest groups: the P.E.I. Rape & Sexual Assault Crisis Centre, the Transition House Association, and Mothers Against Drunk Drivers. On November 15, 1985, the Committee met with a representative of the Turning Point Group and heard a brief from the Alcohol and Drug Problems Institute. Due to other priorities, the P.E.I. Native Council and the P.E.I. Association for the Mentally Retarded declined their invitations to present briefs.

The meetings with the above-noted special interest groups brought additional suggestions and information to the attention of the Victims Committee, as well as reinforcing some of the recommendations from the Study for the Planning of Victim Assistance Services on P.E.I. Many of the suggestions from the special interest groups have been incorporated into the Committee's plans for a Victim Assistance Programme utilizing a co-ordinated approach to victim services (based on recommendation #19).

5. SERIES OF PUBLIC MEETINGS ACROSS P.E.I.

After discussion at several meetings about how and when to obtain input from the general public as well as giving local citizens, especially victims, a chance to air their concerns, the Victims Committee decided to hold a series of workshops across P.E.I. in the Spring of 1986.

Objectives of these workshops were:

1. To inform the public about the work of the Committee on Victims of Crime.
2. To provide an opportunity to discuss local issues with interested groups and individuals.

3. To build relationships and networking between the criminal justice system and the community.

Five (5) workshops entitled "Victims of Crime: Emerging Issues" were held, each with a special area of focus:

- West Prince - April 24 - Break & Enter
- Souris - April 29 - Domestic Violence
- Montague - May 12 - Youth & Vandalism
- Summerside - May 15 - Drinking & Driving
- Charlottetown - May 28 (afternoon) - Sexual Assault

In each community a local group sponsored the event and helped with the practical arrangements as well as identifying panel members. Information displays were provided by Community Legal Information Association. The same format was followed in each of the five workshops:

1. Welcome & Introduction - representative of co-sponsoring group
2. Overview of the Issue - Phil Arbing
3. Film: "Victims - A View from the Shadows"
4. The P.E.I. Experience - Ellie Reddin Conway
5. Local Panel Presentation: Police perspective, victim's perspective, community perspective
6. Refreshment Break
7. Discussion Period

Although an invitation was extended to individuals who might want to address the Committee in private, no one requested a meeting. Discussion following the panel was generally lively, however, and at several of the workshops members of the audience identified themselves as victims of crime.

The public meetings brought forth many suggestions, as well as positive feedback on implementation of recommendations from the Study for the Planning of Victim Assistance Services on P.E.I. The following lists highlights of the discussion by the panelists and audiences, organized according to

the focus of each workshop:

a) Break and Enter:

- should be more emphasis on apprehending thieves
- takes too long to bring offenders to court
- need more stringent measures
- police should have authority to search premises
- total costs of these incidents should be taken into account

b) Domestic Violence:

- shelter for women and treatment programmes for men needed in rural communities
- hospitals are a local resource which can assist victims of domestic violence
- compensation needed for victims of wife assault and sexual assault
- support needed for victims of family violence
- information about restraining orders needed
- confidentiality important to victims of domestic violence
- problem with attending Turning Point if licence has been revoked because of travelling required

c) Youth & Vandalism:

- lack of information to victim about restitution, civil suits, etc.
- costs of damage to service club over several years surprisingly high
- stress prevention with youth (e.g. drug/alcohol awareness)
- first time offenders should have opportunity to work in community
- victim/offender reconciliation programme would help
- need solutions for rural communities
- more outreach programmes for youth needed

d) Drinking & Driving:

- injustice towards family of victim of drinking and driving, no help available
- need compensation for victims of drinking and driving
- victims suffer large financial losses
- support concept of fine surcharge for victim services
- need stiffer sentences

- no place for victims/families to tell of the impact of the crime
- help offender but don't forget victim
- raise drinking age
- lower blood/alcohol level legally allowed

e) Sexual Assault:

- court process revictimizes child victims of sexual assault
- criminal justice process humiliating to victims of sexual assault
- victims need to be treated with dignity
- long-term recovery needs of victim must be considered
- sentences too short
- compensation needed for victims of sexual assault
- need pressure on court system to make necessary changes so that child's testimony can be heard
- need co-ordinated efforts
- court process needs to be changed
- needs to be more encouragement for the victim to come forward

A sixth session, "Victims of Crime: A Challenge for the Future," was held in Charlottetown on the evening of May 28, 1986. This session was intended as a final "wrap-up" to conclude the series. It was opened with remarks by the P.E.I. Minister of Justice and the panel included representatives of Solicitor General Canada, Department of Justice Canada, the Interagency Committee on Domestic Violence, and R.C.M.P. "L" Division. Highlights from this workshop follow:

f) Challenge for the Future:

- need to expand rights of victim without eroding rights of accused
- negative attitude of some victims towards criminal justice system is because of inadequate information, thus we need to pay more attention to dissemination of information to victims
- police need ongoing training re victims
- victims need place to discuss impact of the crime
- establish justice for victims as a basic principle

- implement victim surcharge
- use victim impact statements
- need community-based policing
- delays in court cases problem in wife assault cases, victims are often harassed
- range of sentencing options needed in wife assault cases
- need Island-wide services for victims of domestic violence
- need political will to prevent violence
- need emphasis on and funding for crime prevention

The audience for each workshop was approximately 20 people, except for the sexual assault workshop which was attended by approximately 40 people. Media coverage of each workshop, particularly by the local newspapers, expanded the number of people who had victims' issues and the work of the Victims Committee brought to their attention.

Evaluations completed by participants following each session rated the workshops good to excellent and the Victims Committee concluded that the stated objectives were achieved to its satisfaction.

6. VICTIM ASSISTANCE FEASIBILITY STUDY

One of the tasks of the Victims Committee, as stated in Recommendation #19 of the Study for the Planning of Victim Assistance Services on P.E.I. is to "integrate and co-ordinate available community resources for the benefit of crime victims" and "...determine the resources necessary to maintain a viable and effective network of services to meet the needs of P.E.I.'s crime victims." In its attempts to implement this and other recommendations in the Study, as well as through briefs presented to the Victims Committee by community groups (i.e., Transition House Association, P.E.I. Rape and Sexual Assault Crisis Centre, Turning Point Group, and Mothers Against Drunk Drivers), the Committee has repeatedly identified the need for staff resources to co-ordinate services for victims of crime.

Another recommendation from the Study which has required considerable deliberation by the Victims Committee is #2: "Consideration should be given to the possibility of establishing a means on P.E.I. to provide compensation for injured crime victims."

In January, 1986, the P.E.I. Department of Justice submitted a proposal which was accepted for funding by the federal Department of Justice to carry out a Victim Assistance Feasibility Study to explore and develop the concepts of:

a) victim assistant(s) linking together police and court-based services;

b) a criminal injuries compensation programme designed for P.E.I.; and

c) fine surtax as a possible means of funding victim services.

As part of the Feasibility Study, a Discussion Paper was prepared and circulated to the Victims Committee and criminal justice personnel for reaction, comments and suggestions. Feedback from this Discussion Paper was incorporated into a proposal for the ten-month developmental phase of a province-wide, system-wide victim assistance programme. The P.E.I. Department of Justice then submitted this proposal to the federal Department of Justice and it was approved for funding in April, 1987. For a description of objectives and proposed structures and activities of the victim assistance programme, see section **IV, D. Committee to Co-ordinate Resources** (#19).

7. CONSULTATION WITH SENIOR JUSTICE PERSONNEL

Through its efforts to implement recommendations from the Study for the Planning of Victim Assistance Services on P.E.I., the Victims Committee recognized that three recommendations (#'s 8, 13, and 16) formed part of larger issues concerning the treatment of wife assault victims by the criminal justice system and could not be dealt with adequately by the Victims Committee alone.

The Victims Committee decided to hold a Consultation with Senior Justice Personnel to discuss the following issues:

a) The need for protection of wife assault victims following an assault incident.

b) The need for improved access to legal services for wife assault victims.

c) The need for appropriate mechanisms in Family Court and Criminal Court to deal effectively with wife assault.

The purposes of the Consultation were stated as:

1) to examine these issues in the light of research findings, and

2) to consider possible solutions as a basis for further recommendations to the Minister of Justice.

Invitations to attend the Consultation were extended by the Deputy Minister of Justice to: Supreme Court justices, Provincial Court judges, Crown prosecutors, Legal Aid lawyers, senior probation officers, family counsellors from Family Court Division, clerks of the Court, chiefs of the four municipal police departments, chief superintendent of R.C.M.P. "L" Division, president of P.E.I. Law Society, president of P.E.I. Branch of Canadian Bar Association, Deputy Minister of Department of Health and Social Services, members of the Victims Committee, and representatives of Transition House Association, Turning Point Group, and Community Legal Information Association.

The agenda for the consultation included presentations by the researcher and a response by resource persons on issues and findings related to each of the three recommendations. Opening remarks by the Minister of Justice stressed the importance of criminal justice personnel working together towards creative changes to benefit victims of crime, particularly victims of wife assault. Exhibit 3 is a copy of the agenda.

Consensus was expressed during the Consultation regarding the need for more resources in the justice system, more

Exhibit 3. Agenda for Consultation with Senior Justice Personnel

CONSULTATION WITH SENIOR JUSTICE PERSONNEL

November 17, 1986 - 1:00 - 5:00 p.m.

Agenda

OPENING REMARKS - Minister of Justice Hon. Wayne D. Cheverie, Q.C.	
1. Overview - Phil Arbing, Chairman Welcome & Introduction Purpose of This Consultation Meeting Background on Victims Committee Explanation of the Process	30 minutes
2. How can we provide better protection to wife assault victims following an assault incident? Research findings - Ellie Reddin Conway Response - Judy Haldemann Brainstorm	30 minutes
3. How can we provide improved access to legal service for wife assault victims? Research findings - Ellie Reddin Conway Response - Beverly Mills Stetson Brainstorm	30 minutes
BREAK	15 minutes
4. How can the Family Court and Criminal Court work towards appropriate mechanisms to deal with wife assault? Research findings - Ellie Reddin Conway Response - Chief Justice Norman Carruthers Brainstorm	30 minutes
5. Small Group Discussion Four (4) assigned groups with facilitator Refreshments available to pick up.	30 minutes
6. Small groups report back	20 minutes
7. Victim Assistance Proposal - Ellie Reddin Conway	15 minutes
8. Wrap up Summary of proceedings Future plans re: Police Training Evaluation	10 minutes

public education, and victim assistance services. Presentations and discussion from the Consultation were compiled by the Co-ordinator of Justice Resource Service and used by the Victims Committee as a basis for recommendations in its Third Report to the Minister of Justice.

8. REPORTS TO THE MINISTER OF JUSTICE

The Victims Committee has submitted three reports of its activities to the P.E.I. Minister of Justice: the first covering the time period between the Committee's first meeting in September, 1984, through to April, 1985; the second providing an update for the time period of May, 1985, until January, 1986; and the third covering February, 1986, until January, 1987.

With the change in the government of Prince Edward Island in April, 1986, the Minister of Justice changed from Hon. George McMahon to Hon. Wayne Cheverie. In order to bring the new Minister up to date on the background to and activities of the Victims Committee, a nine-page summary report "P.E.I. Initiatives on Victims of Crime, 1984-1986" was submitted as background information and a meeting was arranged between the Minister and Committee representatives (the Chair, the Co-ordinator of Justice Resource Service, and the researcher). Purposes of this meeting held on August 4, 1986, were to obtain the Minister's guidance on the following matters: implementation of some recommendations, particularly #'s 8, 13, and 16; the Victim Assistance Programme proposal, particularly administration of criminal injuries compensation, victim surcharge as a funding mechanism, and proposed programme structure; and the continuation, focus, and possible future activities of the Victims Committee.

The Minister's direction was that the Committee continue with its activities, particularly that it proceed with

a meeting with justice personnel and related agencies on issues related to recommendations #'s 8, 13, and 16, with a view to bringing forward further recommendations to him on specific steps which he could take; that it initiate a plan for province-wide police training on matters related to victims of crime; and that it proceed with its proposal for a province-wide combined Victim Assistance/Criminal Injuries Compensation programme to be administered by the Department of Justice.

Following the Consultation with Senior Justice Personnel in November, 1986, the Victims Committee brought forward seven recommendations in its Third Report to the Minister of Justice (February, 1986 - January, 1987). These recommendations are listed in Exhibit 4. The Minister met with the Chair of the Victims Committee and the researcher on March 30, 1987, to discuss these recommendations and possible actions.

C. Discussion of Structure & Roles within Committee

1. STRUCTURE

An examination of the list of members of the P.E.I. Committee on Victims of Crime (see Appendix A) reveals a diverse representation of interests, expertise, and knowledge. This heterogeneity within the Committee resulted from an intentional attempt to include interest groups representing different types of victims, the various components of the criminal justice system, and related agencies. On the positive side, such a mixture has increased communication and understanding of the various viewpoints represented, has broadened members' knowledge of the criminal justice system, and has raised awareness of how crime victims are dealt with by that system. The Committee has provided a forum for (sometimes contentious) discussion and, to some extent, an examination of the beliefs and working assumptions of individuals serving in various roles.

Exhibit 4. List of Recommendations from the Third Report to the Minister of Justice

1. that the Minister of Justice review the policy requiring police to lay charges in cases of wife assault with a view to reinforcing a consistent application of the policy.

2. that when an accused batterer is arrested and held temporarily certain conditions be placed on the accused (by the courts on request of the Crown) before a pre-trial release.

3. that the Minister of Justice investigate the possibility of emergency protective legislation.

4. that the Minister of Justice review the Family Law Reform Act with special regard to the definitions of spouse and matrimonial home.

5. that the Minister of Justice develop a policy urging Crown Counsel to implement practices that will ensure that cases involving victims receive priority consideration, especially when personal injury or loss is experienced and keeping in mind the special needs of wife assault and sexual assault victims.

6. that the Minister of Justice undertake an independent review of legal aid with a view to developing a more comprehensive approach to legal aid services.

7. that the Minister of Justice bring before Policy Board the concept of a Victims Assistance Program and the need to continue further joint efforts toward the objective of meeting the needs of victims of crime in the province.

On the other hand, the diversity of the group, together with the difficulty of dealing with twenty-one (21) recommendations in an organized manner, meant that the Committee took a while to "gel" and get down to work on the task at hand. Especially at first, members of the Committee often got sidetracked into expressing opinions about complex issues such as the causes and effects of wife assault or discussion of matters somewhat peripheral to victims' needs and concerns.

Overall, much of the progress of the Committee has resulted from individual members taking on particular tasks according

to their professional roles and interests and seeing these through. Formation of sub-committees has facilitated this process; sub-committees have generally functioned as working groups meeting around specific recommendations. Progress reports from the three sub-committees (restitution, police, and publications) have been included as regular agenda items at Victims Committee meetings.

During the three years since the Committee's formation, changes in personnel have resulted in considerable turnover in Committee membership, as illustrated by Appendix 'A.' Continuity has therefore been somewhat difficult to maintain. Meeting attendance by some members has been sporadic and has generally decreased over the three years, while others have been regular attenders and contributors. It is not surprising that the momentum has been difficult to maintain over this length of time.

The difficulty of dealing with twenty-one (21) recommendations has already been mentioned. Not only did the Committee need time to deliberate how best to approach so many recommendations, periodic review and updating of the working pages on each recommendation has been required so that some are not forgotten while concentrating on others. The recommendations are not only numerous but wide-ranging and additional suggestions have been brought forward through the Committee process of seeking input from other criminal justice personnel, special interest groups, and the general public. Keeping tabs on all the matters at hand has required good management and planning.

2. <u>ROLE OF THE DIRECTOR, COMMUNITY & CORRECTIONAL SERVICES</u>

Phil Arbing, Director of Community & Correctional Services (formerly Director of Probation and Family Court Services) has served as Chair of the P.E.I. Committee on Victims of Crime. The factors mentioned in the previous section (number and range of recommendations, heterogeneity and

turnover of Committee membership, varying levels of attendance and commitment among members, lengthiness of the process) have meant that the Chair has had to maintain a balance between focussing on the recommendations while permitting open discussion, getting on with the work while keeping the Committee updated on all recommendations, and serving as impartial Chair while providing information and a perspective gained by his own experience and knowledge.

The Chair has assisted and guided the work of the Committee between meetings, primarily in two ways: 1) by initiating changes in the practices of the staff he supervises, and 2) by initiating policy changes through his access to the Minister and Deputy Minister of the P.E.I. Department of Justice.

3. ROLE OF THE CO-ORDINATOR, JUSTICE RESOURCE SERVICE

The Justice Resource Service is an information and consultation programme of the P.E.I. Department of Justice, with funding assistance from Solicitor General Canada. Between October, 1982, and March, 1987, victims of crime, domestic violence, and public education were the primary foci of the Justice Resource Service. As of April, 1987, the focus has changed to community crime prevention, particularly regarding youth, family violence, and drinking and driving. Julie Dodd served as Co-ordinator of the Justice Resource Service for the first three years; Jill Lightwood is the current Co-ordinator.

While the Chair has provided direction and decision-making power to the Victims Committee, the Co-ordinator of the Justice Resource Service has provided executive assistance, including taking minutes, assistance with planning agendas, chairing the Police and Publications Sub-committees, drafting letters, preparing reports to the Minister of Justice, and gathering information as requested by the Victims Committee or sub-committees. In addition, the Co-ordinator of the Justice Resource Service organized the series of six public meetings on victims

described earlier, including publicity, contacting speakers and local co-sponsoring groups, arranging spaces and times, etc.

Much of the organizational work necessary to the fulfillment of the Victims Committee mandate has been carried out by the Co-ordinator of the Justice Resource Service. It is fortunate that the timing and focus of the Justice Resource Service coincided with the work of the Victims Committee. Without the Co-ordinator's assistance, the progress towards implementation of the recommendations would have been much slower and the Committee's work much more difficult.

4. ROLE OF THE RESEARCHER

The researcher has provided regular verbal progress reports on the monitoring and evaluation study at Committee meetings as well as written reports when appropriate. A nine-page Summary of the Second Progress Report was distributed to the Committee following the survey of key informants conducted during the summer of 1985; this summary report was discussed at the Victims Committee meeting of September 10, 1985. The Preliminary Report (February, 1985 - June, 1986) was circulated to the Committee and findings from surveys included in that report (general victims, commercial/institutional victims, wife assault victims, and sexual assault victims) were discussed at the Victims Committee meeting of September 18, 1986. Findings from the Preliminary Report were also used in presentations to the Consultation with Senior Justice Personnel (November, 1986) and in the Victims Committee's Third Report to the P.E.I. Minister of Justice (February, 1986 - January, 1987).

Additional information distributed to the Victims Committee has included: 1) six case studies of wife assault situations based on interviews conducted with victims. These were provided to assist members of the Victims Committee in understanding the complexity and particular difficulties involved in wife assault situations; 2) a summary table of a review of restitution

paid out by three (3) of the Provincial Court locations during 1984. This review was conducted because of the number of questions and issues arising out of Recommendation #1 regarding the ordering and enforcing of restitution; 3) an information sheet on witness fees outlining findings from the Study for the Planning of Victim Assistance Services on P.E.I. regarding costs and payments to witnesses, the legislative basis for witness fees, and current practices on P.E.I. This information was gathered because, although witness fees were not addressed as a recommendation in the Study, disparity of payment levels and lack of a coherent policy were identified as issues by the Victims Committee.

The researcher has attended all meetings of the Victims Committee and has assisted on the three Sub-committees (police, publications, and restitution). The researcher has viewed sub-committee work as a necessary part of the monitoring study for two reasons: 1) in order to maintain a record of the process of implementing recommendations, including committee decisions and rationale, as specified in the contract for the monitoring study; 2) to serve as a resource to the Victims Committee and Sub-committees. Because of the special emphasis on wife assault and sexual assault victims in the monitoring study, the researcher has also continued to attend meetings and participate in the activities of the Interagency Committee on Domestic Violence.

The researcher has been called upon to make presentations on the research efforts on several occasions and has also been interviewed several times by the media. These occasions have helped to publicize the research and the work of the Victims Committee. Presentations have included:

1) "Victims and the Criminal Justice System," together with Julie Dodd, Co-ordinator of the Justice Resource Service, on September 30, 1985, in Summerside, P.E.I., as part of the "Women and the Law" Lecture Series sponsored by the East Prince Women's Information Centre;

2) "Sexual Assault from the Victim's Perspective," together with representatives of the P.E.I. Rape and Sexual Assault Crisis Centre, a workshop session at the Annual Conference of Atlantic Provinces Criminology and Corrections Association, November 4-6, 1985;

3) "Victims of Crime" evening lecture on Wednesday, February 19, 1986, as part of the Criminal Justice System Lecture Series co-sponsored by the Department of Extension, University of Prince Edward Island, and Community Legal Information Association;

4) "The P.E.I. Experience," 20 minute presentation at each of the five (5) Victims of Crime workshops held across P.E.I., Spring, 1986, varied to emphasize the relevant recommendations and findings according to the theme of each workshop;

5) a presentation on wife assault to a class of cadets at the Atlantic Police Academy on October 9, 1986, together with representatives of the Transition House Association;

6) three presentations at the Consultation with Senior Justice Personnel, November 17, 1986;

7) "Victims of Crime" session as part of the <u>You and the Law</u> course at Hunter River Community School, February 16, 1987;

8) presentation to P.E.I. Association of Chiefs of Police, April 16, 1987, including an update on the monitoring and evaluation study, a summary of findings from the wife assault and sexual assault surveys, an overview of the proposed victim assistance programme, and an introduction to a Victim Response Course being considered for use with police training.

IV. THE PROCESS OF IMPLEMENTING RECOMMENDATIONS

A. General & Commercial/Institutional Victims (#'s 1-6)

Recommendation #1: Restitution should be part of the sentences imposed in cases of property loss/damage whenever possible. Measures should also be followed to ensure that restitution orders are enforced.

This recommendation resulted in considerable discussion at early meetings of the Victims Committee. Issues around restitution brought up at the Committee meeting of October 22, 1984, included:

1. adequacy of legislation (proposed changes to Criminal Code),
2. whose function to provide information to the Court (police/victims),
3. delays in collecting/distributing restitution,
4. ensuring crown requests restitution,
5. phrasing of restitution on probation order,
6. with or without interest,
7. willful default or circumstantial default,
8. civil remedies/small claims court,
9. creative approaches for funding when offender unable to pay (e.g. unsatisfied judgment),
10. informing the victim of what is happening including distribution of copy of court decision/order,
11. effects of plea bargaining,
12. length of time to get to court, and the numbers police deal with over several months (may go to bottom of priority list),
13. actual damage or out of pocket expenses (e.g. loss of work time) or cost to taxpayer.

At the meeting of the Victims Committee held on February 26, 1985, a sub-committee was struck to deal with this recommendation. Members included: Phil Arbing, Department of Justice; Joe Coady, Federation of P.E.I. Municipalities; Eric Ellsworth, Unit #3 School Board; Dorothy Kitson, Provincial Court Clerk; and Ellie Reddin Conway, Researcher.

The first restitution sub-committee meeting was held April 18, 1985. Input from Dorothy Kitson, Provincial Court Clerk, answered questions around most of the issues noted above.

The sub-committee concluded that the real problem may be lack of information to victims rather than insufficient ordering or enforcement. However, the sub-committee agreed that it required some statistical information about the ordering and enforcing of restitution before it could decide what actions, if any, to take.

Information from the Study for the Planning of Victim Assistance Services on P.E.I. was sketchy. Only the survey used with commercial/institutional victims included questions about ordering and enforcing of restitution. From the sample of 71 cases (all concerning property offences) thirteen resulted in convictions. According to the victims surveyed, restitution was ordered in six (40%) of these thirteen cases and enforced in three (50%) of the six cases. (Possibly, restitution payments in the other three cases may have been received after surveys were completed.)

Because of the expressed need for more information, the researcher agreed to gather statistics on restitution paid out by the Provincial Courts during 1984. Data gathered from the court clerk's records included information about the amounts and numbers of restitution orders, the time lapse between ordering of restitution and receipt by victim, and the types of offences which resulted in restitution orders. Due to time limitations, the Souris and Alberton Courts, which have smaller caseloads, were not included. Exhibit 5 summarizes the information collected.

Exhibit 5. Summary: Restitution Paid Out by Provincial Courts in Charlottetown, Georgetown, and Summerside during 1984

	Charlottetown	Georgetown	Summerside	Total
1. Total restitution paid out during 1984	$11,405	$7,430	$24,264	$43,100
2. Number of restitution orders paid out	55	27	81	163
3. Average restitution payment	$207	$275	$300	Overall Average $260
4. Smallest payment	$7	$5	$10	$7
5. Largest payment	$2,609	$1,500	$1,861	$1,990
6. Written off due to non-payment or still outstanding				
Amount:	$1,192	$3,747	$3,221	$8,162
Number of cases:	4*	9	7	20
7. Paid orders:				
Under $100	26 (47%)	10 (37%)	34 (42%)	70 (43%)
$100 - $200	11 (20%)	11 (41%)	20 (25%)	42 (26%)
$200 - $500	15 (27%)	0	16 (20%)	31 (19%)
$500 - $1,000	2 (4%)	3 (11%)	4 (5%)	9 (6%)
$1,000 +	1 (2%)	3 (11%)	7 (8%)	11 (7%)
8. Length of time between conviction date and full payment to court:				
Less than 1 month	11 (20%)	12 (44%)	16 (20%)	39 (24%)
1 - 2 months	3 (5.5%)	4 (15%)	6 (7%)	13 (8%)
2 - 6 months	13 (24%)	4 (15%)	24 (30%)	41 (25%)
6 months - 1 year	9 (16%)	1 (4%)	15 (19%)	25 (15%)
1 - 2 years	12 (22%)	2 (7%)	7 (8%)	21 (13%)
2 - 3 years	4 (7%)	0	12** (15%)	16 (10%)
Other: paid direct to victim	3 (5.5%)	0	1 (1%)	4 (2.5%)
still partly outstanding	--	4 (15%)	--	4 (2.5%)
9. Length of time between full payment received by court and sent out to victim:				
Less than 1 month	37 (67%)	27 (100%)	45 (56%)	109 (67%)
1 - 2 months	12 (22%)	0	27 (34%)	39 (24%)
2 - 3 months	1 (2%)	0	6 (7%)	7 (4%)
3 - 4 months	0	0	1 (1%)	1 (1%)
4 - 5 months	0	0	0	
5 - 6 months	0	0	1 (1%)	1 (1%)
Other: sent in disbursements	2 (4%)	all applicable cases	0	--
paid direct to victim	3 (5%)	0	1 (1%)	4 (3%)

	Charlottetown	Georgetown	Summerside	Total
10. Charges resulting in restitution orders:				
Not stated	52	Ø	30 (37%)	
Mischief (387CCC)		9 (33%)	22 (27%)	
Damage (388CCC)		1 (4%)	5 (6%)	
Theft, fraud, etc. (294, 320, 338CCC)		Ø	12 (15%)	
Break and Enter (306CCC)		16 (59%)	7 (9%)	
Assault (245CCC)		Ø	2 (2.5%)	
Causing disturbance (171CCC)		Ø	2 (2.5%)	
Possession (312CCC)		1 (4%)	Ø	
UIC Act (121)		Ø	1 (1%)	

* Same offender in 3 cases

** Same offender

As Exhibit 5 illustrates, during 1984, 163 restitution orders totalling approximately $43,000 were paid out to victims by the three courts. The collection rate was approximately 80% of the total amount and most restitution orders were paid quickly, but 23% took between one and three years to collect. In most cases, restitution was paid to the victim after the total amount had been collected by the courts, except in Georgetown where it was paid to the victim in disbursements as it was received by the Court. The charges most frequently resulting in restitution orders included: mischief; break and enter; theft, fraud, etc.; and damage to property.

The researcher also discussed the ordering and enforcing of restitution with Provincial Court Judges, Crown attorneys, and supervisory police officers as part of a key informants survey during the summer of 1985. Based on the court data collected and the key informants survey, the Victims Committee concluded that restitution seems to be ordered in appropriate cases involving property loss or damage and that restitution orders are enforced whenever possible. Victims are informed by Probation Services when orders are deemed unenforceable. In November, 1985, court clerks initiated a new policy of paying restitution to victims as received. Probation Services has developed form letters to send to victims informing them that restitution has been ordered, the terms of payment, and the Probation Officer assigned to the case. Separate form letters were developed for use depending on whether the offender is an adult or young offender; these are similar except that, in cases involving young offenders, the Probation Order is not attached to the form letter. Exhibit 6 illustrates the form letter used when the offender is an adult.

Exhibit 6. Letter to Victims re Restitution

Department of Justice and Attorney General

Community and Correctional Services

PRINCE EDWARD ISLAND

(RESTITUTION - ADULT OFFENDERS)

Dear

RE:

Enclosed is a copy of the Probation Order concerning the above-noted individual, which was imposed recently in Provincial Court as a result of an offence involving you and/or your property/business as the victim.

Please note that this person has been required to make restitution to the Clerk of the Court in the amount of within the time indicated in the Probation Order. When paid, the Clerk's office will be forwarding you the money received. I will be monitoring the individual's financial means to ensure that the restitution condition is complied with in a satisfactory manner.

Should restitution not be paid within the required period, you will be advised accordingly.

Please feel free to contact me should you require additional information or have further questions/concerns.

Yours truly,

Probation Officer

Enclosure

Several additional issues around restitution have been raised by the Victims Committee members representing special interest groups (particularly the representatives of school boards and municipalities) and by the key informants. These issues include:
1) Victims are often not aware of when their case is coming before Court and thus the information needed for ordering of restitution is sometimes not available.
2) Restitution may not be deemed an appropriate sentencing option for any one of several reasons, including: large or uncertain costs which could be more satisfactorily settled through the civil court, inability of offender to pay, or long jail term imposed. Victims who may be expecting restitution are often not informed when restitution is not ordered and the reasons for this decision.
3) Although Small Claims Court may be a viable option in lieu of or in addition to restitution, victims are generally not being informed of this option.

These issues were kept in mind when the Victim Assistance Programme proposal was developed. Assistance with financial reparation is one of the services to be provided by Co-ordinators of Victim Services as part of the victim assistance programme. This assistance will include ensuring that information needed for ordering of restitution is available to the Court, ensuring that victims are informed when restitution is not ordered and the reasons for this decision, and informing victims about the possibility of initiating a civil suit and assisting them with this process.

> **Recommendation #2: The practice of photographing recovered property and returning it to its owner should be employed in all applicable cases where the ownership of the item is clear, and where the photograph will serve adequately as evidence.**

This recommendation results from criminal justice system indicator data obtained during the Study for the Planning of Victim Services on P.E.I. Examination of exhibit logs at Charlottetown RCMP and Charlottetown and Summerside Municipal

Police indicated that two months is the average time property is held. Verbal statements from court officers indicated that photographs were infrequently used, but upon the victim's request and the agreement of the Crown Prosecutor, photographs could be used in applicable cases.

Recommendation #2 was dealt with by the police sub-committee, consisting of Julie Dodd, Justice Resource Service; Sgt. Peter McGarry/Sgt. Hal Marshall, R.C.M.P., "L" Division; Chief W.J.R. Macdonald, P.E.I. Association of Chiefs of Police; and Ellie Reddin Conway, Researcher.

Julie Dodd obtained guidelines on early release of property from the Edmonton Police Department, and after discussion with the sub-committee, adapted the guidelines for potential use on P.E.I. (See Exhibit 7.)

During the key informants survey, summer of 1985, the researcher circulated the proposed guidelines to the Provincial Court judges, Crown attorneys, and supervisory police officers and asked their opinions about the proposed use of photographs as evidence. All the police officers interviewed expressed willingness to use photographs if it were an accepted practice and none of the police had encountered problems as yet having photographs accepted as evidence in court. The usual practice of the Crown attorneys in these cases has been to ask defence counsel if they wish to see the property, then have it photographed. Judges indicated willingness to accept photographs as evidence in applicable cases so that victims could have their property returned and both judges and Crown attorneys approved of the guidelines as drafted.

In October, 1985, R.C.M.P. "L" Division adopted the guidelines as policy and in February, 1986, the Provincial Minister of Justice sent a letter to all police forces across P.E.I. recommending that the policy guidelines be followed.

Exhibit 7. Policy Guidelines for the Prompt Return of Property

The intent of this suggested policy is:

(1) to return property promptly to the confirmed victim/owner, or responsible agent, and (2) to alleviate problems caused by unnecessary storage and handling.

The following guidelines are recommended:

A) A PRINCIPLE OF PROMPT RETURN OF PROPERTY is recommended, except in cases where the actual property is needed for clear identification.

B) A COLOUR PHOTOGRAPH shall be taken of the property before it is returned. What to photograph and release shall be the responsibility of the Investigating Officer, in consultation with the Crown Prosecutor.

C) SPECIFIC REQUIREMENTS AND PROCESSES must be observed in order to maintain continuity in court.

1) Before release, items with serial number or other identifying numbers/letters be checked through CPIC.

2) The photograph must include:

a) the owner or responsible agent,

b) a form designated for this purpose, showing owner's name, case file number, registration number, signature of investigating officer, and date of release,

c) serial numbers and/or other characteristics that could help to establish ownership.

D) IF PROMPT RELEASE IS NOT POSSIBLE, the investigating officer shall:

1) attempt to locate the owner or responsible agent without undue delay, and provide information about property recovery;

2) ensure that covering reports clearly indicate which items of property may be released, to whom they may be released, and whether the owner has been notified.

E) The prompt return programme DOES NOT APPLY TO THE FOLLOWING CATEGORIES, which must be seized by the Investigating Officer:

- weapons used in the commission of crime, or items necessary to show the aggravated nature of crime,
- items seized by search warrant,
- money or negotiable instruments of any kind,
- items illegal to possess (or subject to control) under Municipal, Provincial, or Federal Law, including drugs, restricted or prohibited weapons, radar detectors, etc.,
- evidentiary items requiring technical or laboratory examination that cannot be performed in the field, e.g. serial number restoration, blood-stained clothing, etc.,
- items for which insurance or other compensation has been paid.

Recommendation #3: Consideration should be given to the possibility of establishing a means on P.E.I. to provide compensation for injured crime victims.

As a member of the compensation sub-committee of the Federal/ Provincial Working Committee on Victims, Phil Arbing was able to provide the Victims Committee with some background information on criminal injuries compensation programmes and issues arising from the experiences of other provinces with their criminal injuries compensation programmes. To supplement this verbal information, Julie Dodd prepared an Information and Discussion Paper on Criminal Injuries Compensation for the Victims Committee in October, 1985. The following excerpts summarize the information contained in this discussion paper:

What is Criminal Injuries Compensation?

Criminal Injuries Compensation is a financial programme to ensure that any innocent victim of crime or any person injured as a result of assisting a peace officer or attempting to prevent a crime or arrest an offender is not placed in a position of undue financial hardship. The compensation is for personal injury offences, and not for property damage.

All Provinces and Territories in Canada with the exception of Prince Edward Island provide a Criminal Injuries Compensation Programme under Provincial legislation. The cost of benefits paid out under the programmes is shared with the Federal Government at an annual rate of $50,000 or 10 cents per capita, whichever is greater but not in excess of 50% of the compensation paid. Prior to 1977, a formula of the lesser of 05¢ per capita or 90% of compensation paid was used to determine the cost-sharing arrangement. Provinces can opt to use this formula.

The average compensation award for 1982-83 ranged from $1,976 in Alberta to $13,098 in Quebec.

Compensation benefits can be made in lump sum or periodic (including monthly) payments, and have a minimum (usually $100. or $200.) and maximum level of claim. In determining the amount to be awarded, benefits and compensation available from other sources must be considered. Some jurisdictions provide benefits for pain and suffering; others do not. A criminal investigation is required to show that a crime has been committed, but the charges need not have been laid.

What are the financial needs of victims of personal injury on Prince Edward Island?

Data from the Study for the Planning of Victim Assistance

Services on Prince Edward Island (1984) indicates that the level of demand for compensation would not be high, although the majority of the injured attack victims interviewed (10 out of 19) required medical attention.

During the eight week period of the Study in 1983, 40 people (excluding wife assault victims) were victims of a personal threat or attack, and 19 suffered physical injuries (1 gun shot wound, 5 broken bones or teeth, 1 internal injuries, 15 bruises or black eyes, and 5 cuts). Ten of the 19 required treatment, 9 at hospital emergency, 2 of whom stayed overnight or longer. As a result of the injury suffered 4 people were unable to carry out their normal activities - 2 males were permanently affected, and 2 females temporarily affected (total of 21 days). One of these 4 victims inquired about criminal injuries compensation.

From this information it is difficult to anticipate the financial needs of victims of crime in the Province, because of the small numbers and short duration of the study. However, we do know that some people suffer personal injury as a result of crime - sometimes resulting in financial hardship.

What are the issues relating to a criminal injuries compensation programme in P.E.I.?

The Federal-Provincial Working Group on Justice for Victims of Crime sub-Committee on Criminal Injuries Compensation has reviewed a number of issues relating to existing programmes and a draft report is available. Considering the uniqueness of Prince Edward Island, and the issues identified within the existing programmes, a discussion of a criminal injuries compensation programme for the Province should address four major areas:- costs, accessibility, eligibility, and mobility.

Costs

It is impossible to project costs for a programme since one or two crimes resulting in a permanent disability could cost a considerable amount in lump sum or monthly payments compensation. Establishing minimum and maximum levels of claim would assist in projecting costs but not with any degree of certainty.

By reviewing the compensation paid out in the other three Atlantic Provinces during 1981-82, and comparing population size, and number of violent crimes, it may be possible to project the cost of a P.E.I. Criminal Injuries Compensation programme. The costs run from 03¢ (NFLD) to 09¢ (Nova Scotia) per capita, and the Federal contribution ranges from 50% to 90%.

Accessibility

The percentage of victims of violent crimes that apply for criminal injuries compensation is low. A lack of awareness of the existence of programmes is one reason cited; another reason may be the programme's inability to respond quickly, and without undue administrative delays in some jurisdictions.

Criminal injuries compensation programmes are administered by a form of Criminal Injuries Compensation Board in most jurisdictions, and by the Worker's Compensation Board in two, and the Department of Justice in two others. The number of applications in Prince Edward Island would be small, and an existing administrative programme with the ability to respond to applicant needs would likely be the most feasible.

Eligibility

A list of compensable crimes forms a part of the Federal-Provincial cost-sharing agreement... A number of issues have been identified during the review by the Federal-Provincial Working Group on Victims of Crime, and others.

These are:

1) drinking/driving crimes are not included under the Federal-Provincial agreement and where these are compensated the Province pays the full cost;

2) pain and suffering as a result of criminal injury is compensated in some jurisdictions, and not in others. Where it is compensated, this cost is shared;

3) while injuries related to wife assault are eligible, there are very low numbers of applicants and awards; and

4) victims of sexual offences, including children, are not sufficiently compensated according to the Badgely Report.

Mobility

It is a requirement of the Federal-Provincial agreement that Provincial compensation legislation not include a residency requirement. Presently if a person from P.E.I. were injured as a result of crime in Ontario, that person would be eligible to apply for compensation. If a person from Ontario were injured as a result of crime in P.E.I. there is no compensation programme, and that person would currently have no recourse.

This has raised the question if a lack of criminal injuries compensation in the Province contravenes section 15 of the Charter of Rights and Freedoms.

Providing Criminal Injuries Compensation in P.E.I.

Due to the population of the Province, and the low rate of crime, the number of applicants each year and the requirements for compensation will not be great. In considering the present federal cost-sharing arrangements available, annual compensation payments between approximately $13,000 and $100,000 will be cost shared at 50%. Below $13,000 the federal share ranges from 50% to 90% depending on the amount paid in compensation, and over $100,000, there is a maximum federal contribution of $50,000, so the range would decrease from 50%.

The administration of the programme would be most efficient if tied to another programme such as Worker's Compensation since the number of applicants would not warrant a separate administrative mechanism.

In terms of the effectiveness of a criminal injuries compensation programme, if a victim assistance programme were available in the Province, the victim assistance worker could help to overcome the barriers which reduce the effectiveness in other places. In addition to providing information, support, and referral to people throughout their involvement with the criminal justice system, the victim assistance worker could assist with meeting immediate financial needs, through the existing programmes or an emergency fund, and assist with the preparation of complete and accurate criminal injuries compensation claims to ensure efficient action from the designated approval agency.

In summary, while the Committee on Victims of Crime considers the needs of victims in Prince Edward Island, the financial needs area is important. Ideally as with other recommendations this could be approached in a co-operative manner with existing agencies. If a victim assistance programme is developed, an approach to assisting people with financial needs resulting from their victimization could be integrated with other services.

After studying the Information and Discussion Paper on Criminal Injuries Compensation, the Victims Committee decided to invite officials from the federal Department of Justice to meet with the Committee for further discussion of existing compensation programmes and possible options for a criminal injuries compensation programme designed for P.E.I. This meeting was held on December 6, 1985.

The Victims Committee then decided to submit a proposal to the federal Department of Justice for a feasibility study which

would link a compensation programme together with a co-ordinated approach to victim services and which would explore fine surtax as a possible means of funding these services.

As indicated previously in Section III, B, 6, this Feasibility Study included preparing and circulating a Discussion Paper which was used as the basis for a proposal to the federal Department of Justice for the 10-month developmental phase of a province-wide victim assistance programme.

Feedback from the Discussion Paper: Victim Assistance Feasibility Study indicated that the compensation programme should be administered from within the Department of Justice, rather than through the Worker's Compensation Board or a Criminal Injuries Compensation Board, as this seemed the least bureaucratic and most cost-effective administrative option.

The funding proposal for the Victim Assistance Programme includes the following tasks related to the criminal injuries compensation programme to be carried out during the developmental phase: drafting enabling legislation; designing the necessary application forms; establishing processes for publicity, referral of victims, administration, adjudication, and appeals; establishing maximum and minimum award levels and/or guidelines for physical injury and pain and suffering; and putting in place a payment system.

During the operational phase of the Victim Assistance Programme, victim service co-ordinators based at courthouses across the province will be responsible for the following tasks directly related to criminal injuries compensation: publicity to ensure that victims are aware of the compensation programme, receiving and processing applications, and possibly adjudicating straightforward claims.

In its throne speech of March 24, 1986, the Government of P.E.I. announced its intention to establish a criminal injuries

compensation programme. In his announcement, April 23, 1987, of the developmental phase of the Victim Assistance Programme, the Minister of Justice reiterated his commitment to establish a criminal injuries compensation programme and linked it together with the planned co-ordinated approach to victim services and fine surtax system.

In summary, both the Victims Committee and the Government of P.E.I. have expressed a commitment to establishing a criminal injuries compensation programme on P.E.I. The approach taken has been to learn from the experiences of other jurisdictions and to incorporate criminal injuries compensation as part of an integrated approach to victim services.

> **Recommendation #4: Case progress information should be made available to crime victims by means of the officer at the scene providing them with the occurrence number of the incident. Victims could then, at their discretion, contact local police about their case... This does not mean no proactive contacts with identified victims should be made by the police... Police policy in this area should be clearly defined and communicated.**

The following excerpt from the November 8, 1984, Minutes of the P.E.I. Committee on Victims of Crime summarizes early discussion concerning this recommendation.

> This is considered a significant recommendation - it is an encouragement and reassurance to the victim; it demonstrates police (justice system) concern and sensitivity. The need for information runs across all victims, and all aspects from pre-charge to post conviction.
>
> These problems/questions raised in implementing the recommendations were discussed:
>
> - R.C.M.P. do not have occurrence number at the scene, it could be a few days later before a number is assigned.
> - if tied to name of officer, may delay victim getting information with shifts/time off.
> - possibility of a business card for police officers.
> - what about a case-status card with central telephone number for information? (computerized system).
> - who to contact: - before charges/police?
>   - after charges/police or courts?
> - case status number changes from occurrence number to computer number to Statistics Canada number.

The approach the Victims Committee decided to take was to design cards for police officers to give to victims with as much information as possible to make it easier for the victim to obtain case progress information. The task of designing these cards was assigned to the police sub-committee.

Although the original approach taken was to design one card for police to use across the province, this did not prove feasible because some municipal departments had their own logo they wished to use and because the R.C.M.P. required a bilingual card. Specifications for the cards were therefore discussed with personnel from each of the four municipal police forces and the cards were designed, printed by the Queen's Printer, and distributed to all the police forces by June, 1986. The cards were designed to be used in conjunction with the Directory of Services for Victims of Crime (recommendation #6), i.e. the police could refer victims to any of the services listed in the Directory by writing the agency's name and phone number on the card before giving it to the victim. Exhibit 8 illustrates the front and back of the R.C.M.P. and Summerside Municipal cards. (Cards for the other three municipal departments list the same information on the back.)

Although the cards should help victims obtain case progress information, it is not expected that the cards will completely satisfy victims' needs for information, particularly in cases going before the courts. During the key informants' survey, summer of 1985, five of eleven supervisory officers indicated that keeping the victim informed as the case progresses is a routine practice or a priority in their detachment/department. During the survey of 46 front-line officers carried out October, 1986 - January, 1987, 22 (48%) said that they always get back to victims to provide case progress information and 14 (30%) said that they do at least 75% of the time.

Given time limitations and the process of responsibility for the case shifting from officer-at-the-scene, to investigating

Exhibit 8. Cards for Police to Give to Victims

ASSISTING VICTIMS OF CRIME
NOUS AIDONS LES VICTIMES DU CRIME

Royal Canadian Mounted Police / Gendarmerie royale du Canada

INVESTIGATOR
ENQUÊTEUR _____

PHONE
TÉLÉPHONE _____

DATE OF OFFENCE
DATE DE DÉLIT _____

CASE NO
NUMÉRO DE DOSSIER _____

Canada

ASSISTING VICTIMS OF CRIME

For information about your case, contact:

Officer's Name: _____

Date of Occurrence: _____

Occurrence #: _____

For additional help, contact:

_____ _____

Phone #: _____ _____

SUMMERSIDE POLICE DEPARTMENT
902-436-9222

Investigator: _____

Case No. _____

officer, to court officer in some cases (particularly in the larger detachments/departments), it is probably unrealistic to expect police on P.E.I. to do much more than they already are in this regard. Yet, from the victims' perspective, except in very minor cases, information about their case is an important need.

Provision of information is one of the service activities included in the proposed Victim Assistance Programme. While the primary responsibility for providing information will continue to rest with the police and to some extent Crown attorneys and probation officers, victim services co-ordinators (who will work in close liaison with the police, Crown attorneys and probation officers) will be able to assist by answering inquiries and providing case progress information as needed.

Recommendation #5: Victims of property offences should always be offered crime prevention information by the attending officer, and should be made aware of the services provided by the local Crime Prevention Unit (if any).

Following the researcher's report on the survey of supervisory police officers conducted during the summer of 1985, the Victims Committee concluded that police on P.E.I. are doing as much as possible in the area of crime prevention information for victims. Supervisory personnel from six detachments/departments indicated that their officers routinely provide crime prevention information to victims of property offences, while the other five emphasize crime prevention, but more as a preventive approach rather than after a crime has occurred.

Examples of crime prevention outreach approaches by the police include: preparing and providing a crime prevention booklet for businesses in the community; having a summer student take the Operation Identification programme to all property owners in the area; media campaigns; a "Property Check" form which is completed by all new businesses in the community followed by recommendations from the police on crime prevention measures to be taken, and a weekly crime prevention column in the newspaper.

Recommendation #6: A handbook of services available to crime victims on P.E.I. should be produced and distributed to all police officers who deal directly with crime victims. These individuals should familiarize themselves with the agencies listed so that...(they) can and will make the appropriate referral(s). Provision should be made for an annual review and updating of the handbook.

During the Study for the Planning of Victim Assistance Services on P.E.I., the researcher had compiled an agency inventory in order to identify what services were being, or could potentially be, used by victims of crime. This agency inventory had been compiled into a draft directory and circulated to community agencies, together with an evaluation survey, by the Co-ordinator of the Justice Resource Service early in 1984.

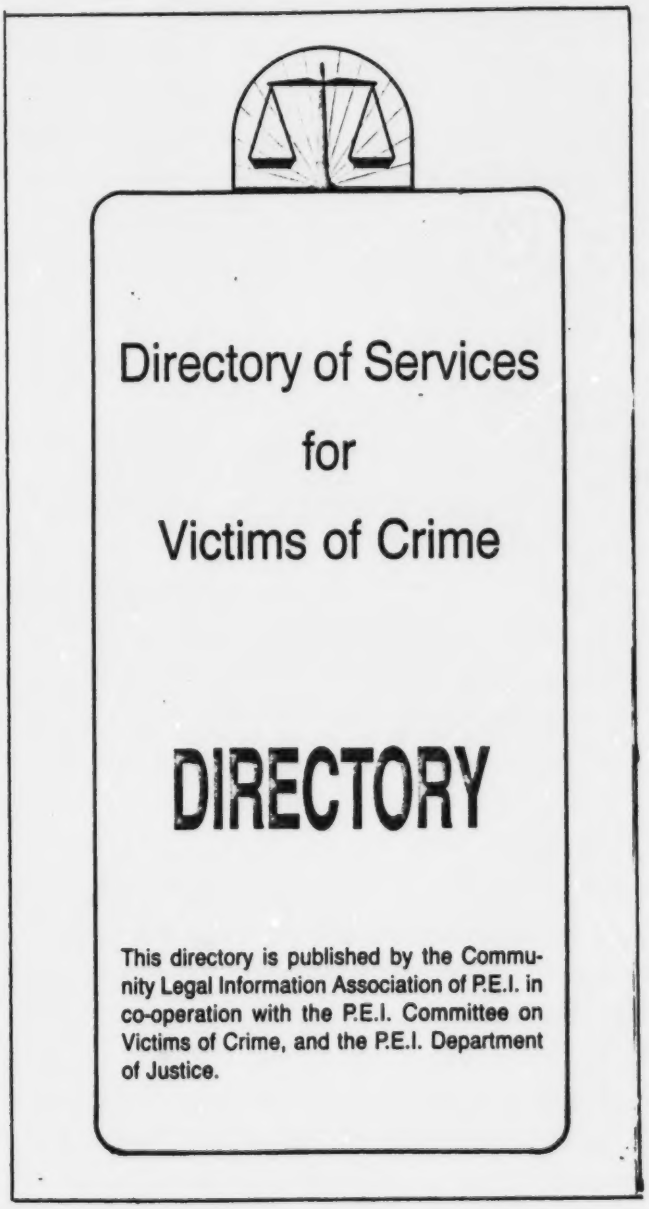
The publications sub-committee took responsibility for condensing the directory into a more compact format so that it would be easier for police to use. Publications sub-committee members included: Julie Dodd, Justice Resource Service; Linda Trenton, Department of Education, representing the P.E.I. Working Committee on Wife Battering; and the researcher. The Victims Committee decided to ask Beverly Mills Stetson, Executive Director of Community Legal Information Association, to join the publications sub-committee to assist with preparation, design and distribution of the directory and the witness brochure (recommendation #17).

The sub-committee's task of finding a suitable format was made easier when the representative of the P.E.I. Association of Chiefs of Police brought to their attention the Information and Assistance booklet used by the Victim/Witness Service Unit of the Fredericton Police Department. Using this as a model, the sub-committee organized the agency information into an 11-page 9 cm x 18 cm booklet with colour-coded pages and index. Exhibit 9 shows the cover and first page (including index) of the Directory.

The information contained in the Directory (agency name, location(s), telephone number(s), and brief description of servcies) was checked with all agencies listed in December, 1985, before the Directory was printed.

During March-April, 1986, the Directory of Services for Victims of Crime was distributed to all police on P.E.I. for officers' daily use. Police have been encouraged to use the Directory in conjunction with police cards (recommendation #4) to refer victims to needed services (i.e. by writing the name and phone numbers of appropriate agencies on the police card and giving it to the victim). The Victims Committee has recognized that personal familiarity with the agencies listed is necessary if police are to make effective referrals. Therefore, the Committee will be including information about local service agencies in its planned police training programme (recommendation #20).

Exhibit 9. Directory of Services for Victims of Crime



Directory of Services

for

Victims of Crime

DIRECTORY

This directory is published by the Community Legal Information Association of P.E.I. in co-operation with the P.E.I. Committee on Victims of Crime, and the P.E.I. Department of Justice.

EMERGENCY SERVICES

Anderson House Charlottetown 892-0960

24-hour service for physically and emotionally abused women and their children. Emergency shelter, food and clothing; crisis telephone service; counselling, emotional support, information and referral.

Women are not admitted if they are under the influence of alcohol or non-prescription drugs, if they exhibit psychiatric problems beyond the staff's capability, or if their need is for shelter only.

Dept. of Health & Social Services

Charlottetown 892-1261
All areas (Child Abuse Line) 1-566-1122

Child protection services for abused children. After hours calls concerning child abuse are screened, and, if necessary, re- ferred to workers on call across P.E.I. Charlottetown is the only Regional Office that provides after-hours services for emergencies other than child abuse (e.g. financial).

(Cont'd)

EMERGENCY SERVICES

POLICE

ALCOHOL AND DRUGS

HOSPITALS

LEGAL AND COURT SERVICES

COUNSELLING

COMMUNITY SERVICES

SOCIAL SERVICES

INFORMATION AND REFERRAL

The Directory has met with an enthusiastic response not only from the police, but from many community agencies and individuals as well. Community Legal Information Association (CLIA) has taken responsibility for distributing the Directory to the general public. CLIA has had many telephone requests for the

Directory and has found it a very popular item during information displays. Fifteen hundred copies have been distributed to date and 500 additional copies have just been printed.

B. **Wife Assault Victims (#'s 7-16)**

Research findings and implications regarding these recommendations are presented in detail under separate cover in the Report on Wife Assault & Sexual Assault for the Victims of Crime Monitoring & Evaluation Study. The following section summarizes the implementation process.

> **Recommendation #7: A system should be developed and implemented by all police on P.E.I. which will identify and count reported cases of wife assault. This should include occurrences reported "over the counter" such as cases of victims seeking recognizance orders or advice.**

During 1983, R.C.M.P. detachments on P.E.I. began flagging wife assault cases for statistical purposes; thus "L" Division was well prepared for the new system, initiated by R.C.M.P. headquarters in Ottawa, of coding wife assault cases separately from other assaults. The new system was begun on P.E.I. in June, 1984, and reviewed six months later in December, 1984.

During the survey of supervisory officers conducted during the summer of 1985, the seven R.C.M.P. detachments reported that the new coding system for wife assault cases has been working well. Since the coding is done by supervisory officers when reviewing files, no problems are being experienced in deciding in which cases to use the code. The four municipal departments report that they either file wife assaults separately at this time or that the incidents are few enough that they can easily be identified.

The impact of this recommendation is primarily related to statistical purposes, rather than being of any direct effect on services to victims.

Recommendation #8: (Unproclaimed Mental Health Act revision to remove alcohol abusers from their homes) should be reviewed by officials from the P.E.I. Department of Justice with a view to the protection of women and children ...while at the same time carefully studying the civil liberties/human rights issues involved...

The Victims Committee reviewed the proposed amendments as well as the report of the Alcohol/Drug Addiction Committee of Health & Social Services which recommended the amendments. The status of the amendments was discussed with Ray Moore, Legislative Counsel, who indicated that the proposed revision had been shelved, primarily because it is contrary to the Charter of Human Rights.

The Victims Committee concluded that there are three fundamental problems with the proposed revision:

(i) it does not distinguish between alcohol abusers who are threatening, harassing or assaulting other people and those who are causing no harm or threat of harm to anyone except perhaps themselves (the Committee agrees that removing someone who is causing no harm or threat to others could be considered an infringement on that individual's human rights;

(ii) it makes no provision for abusive situations in which alcohol is not involved;

(iii) it tends to place such situations in a mental health context rather than being considered a protection matter.

Although that particular legislation is clearly not a feasible solution to the problem, the Victims Committee has recognized the need for a means of:

(i) enabling the police to remove abusive partners, rather than the victim and children, from the home;

(ii) providing an emergency court order forbidding the assailant to return to the home or contact the victim until a court hearing can be held; and

(iii) providing protection to women who are no longer living with their partners.

The need for these protective mechanisms has been brought to the attention of the Victims Committee through presentations from such groups as the Transition House Association, the Turning Point Group, and Queens County Addiction Services. The Interagency Committee on Domestic Violence has also discussed at length the need for a means of protecting wife assault victims from further assaults and/or harassment.

The Victims Committee outlined its concerns in a memorandum to the P.E.I. Minister of Justice dated November 27, 1985, suggesting the need for some form of "emergency protection legislation" (i.e. a means of removing the assailant from the home and obtaining an immediate order for protection). The response from the Minister of Justice, Hon. George McMahon, indicated that such legislation might not be a practical solution to the problem because it would necessitate finding the offending partner and keeping him under lock and key. The Minister's view was that the victim and children would receive better protection by seeking shelter at Anderson House.

As indicated earlier in this report, protection of wife assault victims was one of the issues discussed at the Consultation with Senior Justice Personnel in November, 1986. Among the resulting recommendations from the Victims Committee to the current Minister of Justice, Hon. Wayne Cheverie, three relate specifically to the protection of wife assault victims:

2. that when an accused batterer is arrested and held temporarily certain conditions be placed on the accused (by the courts on request of the Crown) before a pre-trial release;
3. that the Minister of Justice investigate the possibility of emergency protective legislation;
4. that the Minister of Justice review the Family Law Reform Act with special regard to the definitions of spouse and matrimonial home.

The fourth recommendation above refers to: expanding the definitior of spouse to include common law partners so that they could

be protected under Section 34 by restraining orders; and amending the Act to allow for exclusive possession of the matrimonial home being awarded to wife assault victims while a permanent settlement is being worked out.

These recommendations were presented to the Minister in February, 1987, as part of the Victims Committee's Third Report to the Minister of Justice. Representatives of the Victims Committee (the Chair and the researcher) met with the Minister on March 30, 1987, to discuss these and other recommendations. The Minister will be considering further action in the months ahead.

> **Recommendation #9: A review should be undertaken to determine the cause of the apparent reluctance of wife assault victims living with their assailants to call the police. In addition, the adequacy of current police responses to wife assault complaints should be monitored to ensure that all reasonable efforts are being made to support and assist those victims.**

At the Victims Committee meeting of November 8, 1984, it was decided to request Anderson House staff to ask women residing there whether they had reported to the police and if not why not. A form was drafted and used to obtain information from women who stayed at Anderson House from January to March, 1985. This form is attached as Exhibit 10.

At the Victims Committee meeting of May 24, 1985, Jill Lightwood, representative of the Interagency Committee on Domestic Violence, reported that five out of six contacts with police by women at Anderson House were positive. The numbers were low because January - March was not a busy time at the shelter. The positive responses included charges laid by police and/or assisting women to the shelter. In the one case in which the response was not positive, the woman laid charges herself resulting in conviction and probation.

Further monitoring of the police response was carried out by means of the survey of wife assault victims conducted between April 1, 1985, and September 30, 1986, as part of the victims

Exhibit 10.

Anderson House - Police Contact Form

(to be completed for all women at Anderson House)

1. Was there physical abuse? Yes_____
   No _____

2. Did the woman contact the police? Yes_____
   No _____

3. If yes - what did the police do?_____

4. If no - why not?_____

5. Any other comments?

Date:_____ Staff:_____

monitoring and evaluation study. Research findings indicated that, compared to the 1983 survey conducted as part of the Study for the Planning of Victim Assistance Services on P.E.I., there seems to be less hesitancy to call the police, regardless of whether the victim is living with the assailant or not, and less of a perception that the police will not respond to domestic disturbances. To confirm this tentative finding, further research would be required.

> **Recommendation #10: Police, social workers, addiction counsellors, doctors and other professionals who become aware of wife assault situations should be encouraged to make referrals to the group counselling programme for men who batter (Turning Point)...As well, judges should give consideration to this programme as a sentencing option (preceded as appropriate by alcoholism treatment) in wife assault cases.**

The Victims Committee has indicated its support of the Turning Point programme in letters to the Provincial Court judges dated January 11, 1985, and the Minister of Health & Social Services dated December 27, 1984.

During the survey of key informants (June and July, 1985) the Provincial Court judges and Crown attorneys expressed their support for Turning Point as a viable sentencing option. When, upon recommendation of the Crown attorneys, the judges order treatment for the offender, they generally include it as part of a probation order phrased as "to take treatment as prescribed by the probation officer in consultation with the appropriate authorities" or similar wording. This approach allows the Turning Point counsellors an opportunity to assess whether a particular individual is a suitable candidate for the group treatment programme.

Both the survey of supervisory police personnel (June and July, 1985) and the survey of front-line officers (October, 1986 - January, 1987) indicated that police on P.E.I. are not well-informed about the Turning Point programme and are hesitant to make referrals.

The Committee met with a representative of the Turning Point Group in November, 1985. Discussion included the programme's need for an administrator/casework (the Turning Point counsellors come from several agencies but lack funding for a co-ordinator's or executive director's position); success of the programme in stopping or diminishing the violence; and referral sources. Client referrals have been coming from the courts and social workers, but not from the police as yet.

In the spring of 1986, Sgt. Hal Marshall, R.C.M.P. Crime Prevention & Community Relations Officer and R.C.M.P. representative on the Victims Committee, joined the committee responsible for the Turning Point programme. Over time, this liaison between the R.C.M.P. and Turning Point may increase police referrals, at least from the R.C.M.P. It will be important to include information about Turning Point in the proposed police training programme (recommendation #20).

> **Recommendation #11: The emergency shelter provided by Anderson House is clearly addressing one of the most crucial needs of wife assault victims on P.E.I. Stable and adequate funding arrangements should be made so that the Transition House Association will be able to continue providing this valuable service, as well as addressing other needs such as follow-up support, outreach to the more distant communities, and child care.**

The Victims Committee indicated its support for this recommendation in a letter to the Minister of Health & Social Services dated December 27, 1984. The representative of the Interagency Committee on Domestic Violence has kept the Victims Committee informed on the Transition House Association's financial situation.

The Transition House Association became a United Way agency in 1986 and the community continues to maintain a high level of financial support. In April, 1987, the provincial government approved sufficient funding for the Transition House Association to meet its 1987-88 operating costs, but the long-term financial situation is not yet stable. In spite of ongoing

financial difficulties, Anderson House now has a child care programme and a follow-up support group. Outreach to the more distant communities has not yet become a reality, although the West Prince Family Violence Program has been trying to obtain funds to establish safe-houses and related services in the western end of the Island.

Recommendation #12: Police and Social Services staff should together work out a satisfactory system of providing transportation to Anderson House for wife assault victims.

Following circulation of the Study for the Planning of Victim Assistance Services on P.E.I.: Summary Report (including the 21 recommendations) during the summer of 1984, the Department of Health & Social Services initiated a policy of providing transportation to Anderson House for wife assault victims.

The P.E.I. Committee on Victims of Crime has requested that Social Services put its policy regarding transportation to Anderson House in writing, but this has not yet been done. The survey of 46 front-line police officers indicated that only 18 officers (39%) were aware of this policy and four officers had experienced problems during the past two years with arranging transportation to Anderson House. This finding underlines the need for a written transportation policy and for informing front-line police officers about it since these officers are the service providers most likely to be assisting wife assault victims when they need transportation to a safe place.

Recommendation #13: The P.E.I. Department of Justice (should) conduct a review of P.E.I. Legal Aid, with consideration being given to the needs of wife assault victims.

After reviewing background information on the Legal Aid programme (the Legal Aid brochure and Fourth Annual Report), the Victims Committee invited Kent Brown, Director of Legal Aid, to its meeting in May, 1985. In his comments, Mr. Brown emphasized that the resources available are not sufficient to meet the demand. Emergencies are difficult to deal with because the Legal Aid lawyers' schedules are already booked

up. Realistic priorizing is difficult because of the demands for services.

In its second report to the Minister of Justice dated February, 1986, the Committee requested that the Minister establish a process with which to review Legal Aid. Further to this request, the Committee included Legal Aid as one of the issues discussed at the Consultation with Senior Justice Personnel in November, 1986. In its Third Report to the Minister of Justice, the Victims Committee brought forward a revised recommendation (#6): "that the Minister of Justice undertake an independent review of legal aid with a view to developing a more comprehensive approach to legal aid services." During the discussions of this and other recommendations with representatives of the Victims Commitee on March 30, 1987, the Minister indicated his intention to follow-up on this recommendation.

> **Recommendation #14: Police need to ensure that the information they provide is complete and accurate and that it is understood by the victim...Police officers (should) distribute brochures ("What Battered Women Should Know About the Law") to all wife assault victims...Police officers (should) be more diligent in providing case progress information to wife assault victims.**

Implementation of Recommendations #4 (police card) and #6 (service directory) by the Victims Committee should be of some assistance regarding case progress information and information about needed services.

The "What Battered Women Should Know About the Law" brochure, developed by the Justice Resource Service in December, 1983, provides information about legal options. Only one of the 59 wife assault victims in the survey conducted during 1985/86 was given a brochure by the police, but 13 others received it from Anderson House staff or counsellors and all who read it found it helpful.

In the survey of front-line police officers, only 18 officers (39%) indicated that they had read the "What Battered Women Should Know About the Law" brochure and only 6 officers (13%)

had ever given any of these brochures to wife assault victims. The most frequent reasons for not distributing the brochure were that the officer had not seen it (14 responses) or that it was not available in the office (8 responses). This finding suggests the need for a renewed effort to familiarize police officers with the brochure and encourage them to distribute it to wife assault victims.

Although the Victims Committee has not taken any specific action regarding this recommendation, two planned initiatives should have some effect. Wife assault victims will be one of the priorities for assistance by victim service co-ordinators under the proposed Victim Assistance Programme and provision of information will be one of the primary tasks. Victims service co-ordinators will ensure that the victims they deal with directly are given information about legal options (including the brochure) and case status information. Victim service co-ordinators will also encourage the police to familiarize themselves with the brochure and distribute it to wife assault victims. The second planned initiative, police training, will include a learning module on victims of spouse abuse, with an emphasis on providing information as well as supportive intervention.

> **Recommendation #15: Charges should be laid promptly by the police in all cases where sufficient evidence is present to substantiate the charges. Where evidence is lacking, the officer attending the call should inform the victim of both the process to be followed in laying charges herself, and of the availability of community resources to assist her.**

Bill C-127, encouraging the police to lay charges in wife assault cases, was passed by the House of Commons early in 1982. In January, 1983, "L" Division of the R.C.M.P. instituted a policy of laying charges in wife assault cases when there is evidence to support a conviction. In October, 1983, the Minister of Justice & Attorney General for P.E.I. requested that police lay charges in these cases when there is reasonable and probable grounds to believe that an assault was committed. The R.C.M.P.

have since amended their policy so that it is in keeping with the Attorney General's request. Research indicates that in most cases police, particularly the R.C.M.P., are following the new policy of laying charges in wife assault cases, although they are not always providing clear information to the victim about the laying of charges.

Supervisory police and Crown attorneys surveyed during the summer of 1985 gave a generally positive response to the policy of police laying charges because it takes the pressure to drop charges off the victim and seems to have a deterrent effect since wife assault is being treated as a criminal matter. In some cases, victims have asked the police to drop charges, but most detachments/departments leave the decision whether to withdraw up to the Crown attorney. The Crown attorneys' policy is not to withdraw charges and to explain to the victim why charges are not being withdrawn, but to use discretion when circumstances warrant.

Victims Committee meetings have to a certain extent provided a forum for discussion among criminal justice and community agency personnel as to the effect of this and other policy changes, particularly in the area of wife assault. Discussion has focused around such issues as abuse of men by their female partners (recognized to be much less prevalent than wife assault, but still a problem), the problems caused by victims requesting that charges be dropped, and the possibility that the charging policy has resulted in some victims being reluctant to call the police if they do not want charges laid (this seems unlikely since police on P.E.I. have not been laying charges against victims' wishes).

Victims Committee members generally recognize that for a wife assault victim to proceed through the charging and court process she often needs considerable support. As part of the proposed Victim Assistance Programme, victim service co-ordinators will assist the police and Crown attorneys in providing support

to wife assault victims (as well as other victims of crime) throughout the criminal justice process.

> **Recommendation #16: The Provincial and Family Court and other appropriate personnel within the P.E.I. Department of Justice (should) work towards a...mechanism that will allow the judges to deal effectively with wife assault.**

During the key informants survey in 1985, judges and Crown attorneys were asked for suggestions which might make it possible to deal more effectively with wife assault cases at the Provincial Court level. Suggestions included: 1) a victim assistant who would provide information and support; 2) pre-plea assessment to assist the court in determining the most appropriate sentence; 3) a diversion programme; and 4) an amendment to the Criminal Code which would provide that wife assault cases, while still considered criminal matters, could be heard in the Family Court Division of Supreme Court along with all other family matters.

As indicated earlier, the Victims Committee was not able to arrange a meeting with the Provincial Court judges to discuss this recommendation. However, it was one of the issues discussed at the Consultation with Senior Justice Personnel in November, 1986. In his remarks at the Consultation, Chief Justice Carruthers included the following points: the need for co-operation and communication between Provincial and Family Court so that proper information can be brought to the judge's attention and satisfactory arrangements can be reached; the need for more public education about the function of the courts; the need for more resources in the court system; the need to speed up the court process; and the need for a person to assist with preparation and support of victims.

Two of the recommendations carried forward in the Victims Committee's Third Report to the Minister, February, 1987, pertain in part to the matter of dealing effectively with wife assault cases in Provincial & Family Court. These are:

5. that the Minister of Justice develop a policy urging Crown counsel to implement practices that will ensure

that cases involving victims receive priority consideration, especially when personal injury or loss is experienced and keeping in mind the special needs of wife assault and sexual assault victims.

7. that the Minister of Justice bring before Policy Board the concept of a Victim Assistance Program and the need to continue further joint efforts toward the objective of meeting the needs of victims of crime in the province.

In a directive dated May 1, 1987, the Minister of Justice urged the Crown attorneys to proceed with cases involving victims, particularly victims of violent crime, "as expeditiously as possible and to avoid any unnecessary delays, postponements, or adjournments."

C. Witnesses (#'s 17 & 18)

Recommendation #17: An information brochure for Crown witnesses should be prepared and distributed along with each witness' subpoena. This brochure should outline the rights and responsibilities of witnesses, and describe court procedures so that the witnesses will be better prepared for their court appearances.

This recommendation was implemented by the Publications Sub-committee. A draft brochure which had been prepared during 1984 as part of a project sponsored by the Justice Resource Service was used as a basis from which to begin. The Co-ordinator of the Justice Resource Service then gathered sample copies of witness brochures from other provinces and reviewed these with the other members of the Publications Sub-committee (the researcher and Linda Trenton). After revising several drafts, the Sub-committee requested assistance from Beverly Mills Stetson, Executive Director of Community Legal Information Association, for final revisions, graphics, printing, and distribution. Draft #4 was circulated to the Victims Committee, judges, Crown prosecutors, Legal Aid lawyers, the Law Society of P.E.I., and the P.E.I. Branch of the Canadian Bar Society for comments. The researcher obtained comments from the Crown prosecutors and Provincial Court judges while interviewing them as part of the key informants survey conducted during the summer of 1985. Linda Trenton, an employee of the Department of Education,

had the brochure grade-level tested by computer. Once the brochure had been printed in December, 1985, Priscilla Clough, Provincial Court clerks representative on the Victims Committee, offered to distribute copies to court clerks across the Island and request that it be attached to all subpoenas issued. Sgt. Hal Marshall, R.C.M.P. representative, and Chief W.J.R. Macdonald, representative of the P.E.I. Association of Chiefs of Police, helped to distribute copies to police detachments/departments across P.E.I. Community Legal Information Association has taken responsibility for distribution to the general public.

Exhibit 11 illustrates the cover and contents of the "Guide for Witnesses" brochure. In addition to information on court proceedings and the rights and responsibilities of witnesses, the eight-panel brochure includes a glossary of legal terms. To date, approximately 800 brochures have been distributed to court clerks for attachment to subpoenas, to police offices across P.E.I., to private lawyers, and to the general public.

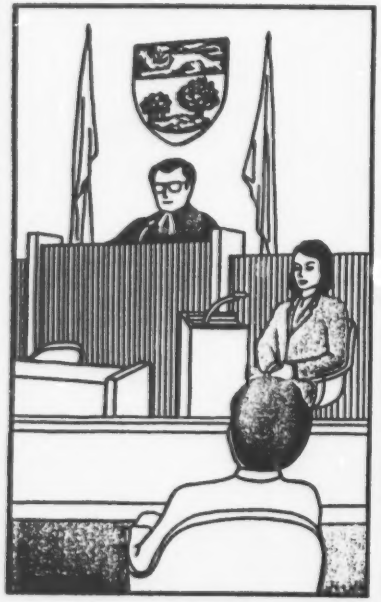
The Public Legal Education Society of Nova Scotia based its witness brochure in part on P.E.I.'s "Guide for Witnesses" and R.C.M.P. representative Sgt. Hal Marshall reported at the Victims Committee meeting of January 29, 1987, that he had received a request from R.C.M.P. in Newfoundland to adapt the "Guide for Witnesses" for their purposes.

Findings from the survey of Crown witnesses conducted between September, 1986, and January, 1987, indicate that the "Guide for Witnesses" brochure is not consistently being attached to subpoenas. Of eighty-three (83) subpoenaed Crown witnesses, only seven (8%) received a brochure. Of those who received the brochure, three (43%) found it very helpful and two (29%) found it somewhat helpful.

This finding suggests the need for staff within the criminal justice system with a "watchdog" function to ensure that procedural

Exhibit 11. "A Guide for Witnesses" Brochure

A Guide for Witnesses



This pamphlet is published by the Community Legal Information Association of P.E.I. in co-operation with the P.E.I. Minister of Justice Committee on Victims of Crime, and the P.E.I. Department of Justice.

A GUIDE FOR WITNESSES

As a witness, you have an important duty to perform. The testimony of witnesses is the major source of information for the courts. It forms the basis for legal decisions affecting the lives of our Island citizens.

You may be called as a witness for either a criminal or a civil proceeding. This pamphlet provides information about criminal cases. If you are called as a witness in a civil matter, you may address all questions to the lawyer who contacted you.

The contents of this publication are designed to explain your rights and obligations and to assist you in fulfilling your responsibilities as a witness in the criminal courts of Prince Edward Island.

A trial is held when a person has been charged with a criminal offence. You may be called as a witness by either the Crown attorney (also called the prosecutor) who is the lawyer acting for the Crown on behalf of society, or the defence lawyer acting for the accused, or both. While you are in the courtroom, you follow the instructions of the judge who presides over the operation of the court.

WHAT IS A SUBPOENA?

A subpoena is a court order which requires you to appear in court at a specified time and place to give evidence for either the Crown or the defence, or both. You may wish to show the subpoena to your employer to arrange for time off to attend court.

If, due to a very serious circumstance, you are unable to attend, you should contact the Crown attorney or defence lawyer at once. If you fail to obey a subpoena, a bench warrant may be issued for your arrest, and/or you may be charged with contempt of court which is a criminal offence. If found guilty, you may be fined or given a jail term.

You may wish to contact the Crown attorney or defence lawyer on receipt of the subpoena to make an appointment for preparation for court. It is also a good idea to contact the office of the Crown or defence lawyer a day or two before the stated date to be sure the trial is going ahead as scheduled.

Be sure to bring to court the subpoena and any documents that are mentioned in the subpoena or documents that have been requested by the Crown attorney, the defence counsel, or the police.

If you are subpoenaed by the Crown and later contacted by defence counsel or vice versa, you are free to relate your observations to the other lawyer, although you are under no legal obligation to do so.

If you have any questions which may concern you, consult the lawyer requesting your presence. Technically, as a witness you have a right to an independent lawyer to advise you, although this is extremely unusual.

HOW DO YOU PREPARE FOR GIVING EVIDENCE?

Prior to attending court to give your testimony, take some quiet time to think about the sequence of events and try to remember particulars such as conversations, people present, dates, times, colours, distances, speed and all other relevant facts. If you made notes at the time of the event you may be allowed to take these into court with you. Ask the lawyer handling the case if this is possible. If as a witness you signed a statement for the police at the time of their investigation, you may arrange with the Crown attorney to review it.

WHAT DO YOU DO WHEN YOU FIRST ARRIVE IN COURT?

If you wish, a friend or family member may accompany you to court.

Check in advance to make certain you know the exact location of the courthouse. It is important that you arrive at the courtroom at least 15 minutes before the time specified on the subpoena because the lawyer who requested your presence may have some questions to ask you before proceedings begin. Allow sufficient time to find a parking space.

If you are a witness for the Crown, try to let the Crown attorney know you have arrived. If you are a witness for the defence, make your presence known to the defence counsel.

Enter the courtroom quietly just before court is scheduled to go into session and sit in the public area at the back of the courtroom until your name is called. Witnesses may be excluded from the courtroom until it is time to give their evidence. This is done so that each witness gives testimony based solely on his or her observations, without the influence of the testimony of other witnesses. If you are excluded, remain in the waiting area until you are called.

WHAT WILL HAPPEN TO YOU IN COURT?

Your name will be called and you will be directed to the witness stand.

When you take the witness stand, you will be asked to state your name and swear an oath to tell the truth. Most witnesses swear to the truth by placing their right hand on a Bible. However, if you do not wish to take the usual Christian oath, the law allows you to solemnly affirm the truth of your evidence. If you wish to take an alternate form of oath, inform the Crown or defence lawyer a few days before your appearance, or tell the judge when you take the witness stand.

This is the most common oath: "Do you swear that the evidence you are about to give the court in this case shall be the truth, the whole truth and nothing but the truth, so help you God?" If you wish to affirm you will be asked something like "Do you affirm that the evidence you are about to give the court in this case shall be the truth, the whole truth and nothing but the truth?" Common responses are "I do" or "I so swear", or "yes".

If you are asked to give your address, and do not wish to do so in open court, advise the judge of this when asked.

The Crown goes first and must prove the case beyond a reasonable doubt. The defence does not have to call any witnesses if it feels the Crown has not proved its case.

If you are a witness called by the Crown, you will be questioned first by the Crown attorney. This is known as direct examination. When the Crown attorney has completed questioning, the defence counsel will then begin. This is known as cross-examination. If you are a witness called by the defence, you will be questioned first by the defence counsel and then cross-examined by the Crown attorney.

While you are on the witness stand, you may also be asked questions at any time by the judge. Provincial Court judges are addressed as "Your Honour", "Sir" or "Madam". If the trial is before the Supreme Court, address the justice as "My Lord", "My Lady", "Sir" or "Madam."

After you testify, you must remain in the courthouse until you are excused by the judge or until court is concluded for the day. If you need to leave when your testimony is finished, ask the judge if you may be excused.

HOW SHOULD YOU CONDUCT YOURSELF IN COURT?

Stand up when the judge enters or leaves the courtroom.

Do not discuss your testimony with other witnesses. If a jury is present, completely avoid talking to jurors. To do so may cause a mistrial.

Normally, special clothes are not necessary for a court appearance. However, you are advised to wear clean, neat clothing. If you will be appearing in the Supreme Court, consult the lawyer who called you regarding appropriate clothing.

Speak clearly and loudly enough so that everyone in the courtroom can hear you easily. There may be a microphone near you which tape records the testimony for court records. It does not amplify your voice.

WHAT SHOULD YOU KEEP IN MIND WHEN GIVING EVIDENCE?

When you are giving evidence take your time; there is no need to feel pressured. Be sure you understand each question before you attempt to answer it. If you don't understand the question, don't be afraid to say so.

Be as clear as possible when testifying. Avoid phrases such as "I think" or "I guess" as they can be misleading. If you are certain something occurred, make that clear. On the other hand, if you do not know the answer to a question, say so. The evidence of a witness who appears frank and sincere can carry considerably more weight than the evidence of a witness who appears biased, hesitant, or evasive.

Do not ramble. Answer the questions being asked and then stop. Don't volunteer any unnecessary or irrelevant information.

The judge and jury are interested only in the facts. Therefore, don't give any opinions or draw any conclusions, unless specifically asked.

Always give audible answers so that the court stenographer can make an accurate record. Do not merely shake your head indicating "yes" or "no".

If you become emotionally upset during your testimony, you may ask the judge for time to regain your composure.

Always be courteous, even though the lawyer questioning you may appear to be aggressive, particularly during cross-examination. Remember the judge is there to prevent anyone from badgering or confusing you.

If you make an honest mistake in your evidence, inform the Crown attorney or defence counsel as quickly as possible so that the error can be corrected before the court.

DO YOU HAVE TO ANSWER EVERY QUESTION YOU ARE ASKED?

Normally, yes. However, if a certain question is embarrassing for you to answer and seems irrelevant to the case, you may ask the judge whether you are required to answer. If the judge rules that the question is relevant, you will have to answer.

You may object to answering a question on the grounds that the answer might mean that you could be convicted of a crime. If this is the case, you are protected by the Canadian Charter of Rights and Freedoms which states that a witness has the right not to have any self-incriminating evidence used against him or her in any other proceedings. This applies to all cases except those involving prosecution for perjury or giving contradictory evidence. You may wish to consult your own lawyer for independent legal advice, prior to attending court.

HOW LONG DO YOU HAVE TO SPEND IN COURT?

Since court proceedings can be very complex, there is really no way of knowing how long each case will take. You may find that you will have to wait. Therefore, you are advised to bring a book or some quiet activity to help pass the time when court is not in session or while you are waiting outside the courtroom.

In the event the trial resumes after the lunch hour, be prepared to have lunch, and return to the courthouse in the afternoon.

WHAT IF SOMEONE TRIES TO INFLUENCE YOU TO DROP CHARGES OR CHANGE THE EVIDENCE YOU WILL GIVE?

Tell the police or the lawyer who contacted you immediately. It is illegal for anyone to harrass or attempt to influence you. A charge of obstructing justice may be laid and if convicted, the individual could face a penalty of up to ten years imprisonment.

WHAT HAPPENS IF THERE IS A DELAY OR ADJOURNMENT?

If there is a delay or adjournment normally the judge will state the new date and time. You may be issued another subpoena, but this is not required and the subpoena originally served will continue to be in force.

ARE THERE ANY CHILD CARE FACILITIES IN THE COURTHOUSE?

No. Make arrangements for someone to care for your children while you are in court.

DO YOU RECEIVE A FEE FOR BEING A WITNESS?

Witnesses subpoenaed by the Crown receive a fixed daily rate plus mileage if they are coming from out of town. In addition to the daily rate, out-of-province witnesses are entitled to compensation for travel, accommodation, and meals. Higher fees are paid to professional witnesses.

The police fill out witness fee forms for all Crown witnesses stating the daily rate and all eligible expenses. These are processed through the Department of Justice or police department and payment is made immediately or by cheque through the mail depending on the department. Therefore, it is important that the police have your correct address.

Unlike Crown subpoenaed witnesses, defence witnesses do not have their fees arranged through the police. In practice, a defence witness is often informally asked to appear as a witness and may not receive a subpoena. Such a person does not usually ask for a fee. However, if you are a defence witness who feels that you should be paid for your time, discuss the matter with the defence lawyer, who may offer to compensate you.

WHAT WILL HAPPEN TO THE ACCUSED?

If found not guilty, the accused will be allowed to go free. If found guilty, the accused may be fined, receive a prison or jail sentence, be placed on probation or may be ordered to make restitution (i.e. pay for at least part of the victim's losses.)

TERMS AND THEIR MEANINGS

Contempt of Court-Any form of misconduct which shows disrespect for the court, e.g., disobeying a court order or insulting the judge or other court official.

Cross-examination-The questioning of a witness by the opposing lawyer. The purpose is to clarify or discredit testimony already given under direct examination.

Crown Attorney-The lawyer who is acting for the Crown and is presenting evidence in support of the charge(s) alleged against the accused.

Defence Lawyer-The lawyer who is acting on behalf of the person who is charged with the offence.

Defendant (also called the Accused)-The person in court who is charged with an offence.

Direct Examination-The initial questioning of a witness by the lawyer who called the witness. The purpose is to present testimony containing the factual argument the party is making.

Evidence-Testimony or objects presented during legal proceedings to try to prove or discredit something relevant to the charge.

Jury-A group, composed of a cross section of the community, summoned and sworn to decide on the facts in issue at a trial.

Offences (Summary, Indictable and Hybrid)-Offences under the Criminal Code of Canada can be divided into three general types depending upon the seriousness of the offence and the procedure followed.

1) summary offences will be tried in a Provincial Court (e.g. causing a disturbance or theft under $200).

2) indictable offences can be tried in either Provincial Court or Supreme Court, with or without a jury—in most cases the choice is up to the accused (e.g. robbery).

3) there are some offences referred to as dual or hybrid offences which can be tried as either a summary or indictable offence at the discretion of the Crown (e.g. dangerous driving).

Preliminary Inquiry-A hearing to determine whether a charge for an indictable offence will proceed to trial.

Provincial Court-The court in which all charges under the Criminal Code are first brought before a judge. It is also the court which hears summary conviction matters, preliminary inquiries, and indictable offences when the accused elects trial by Provincial Court judge.

Reasonable Doubt-A degree of doubt that would make a reasonable person hesitate before believing someone is guilty of an offence.

Stay of Proceedings-A right of the Attorney General of the Province to suspend the prosecution temporarily in appropriate circumstances. If after consideration the Attorney General wishes to reinstate the proceedings, he may within six months where a summary conviction proceeding is stayed, and within one year after the stay is entered on an indictable proceeding. The Crown attorney has the further option of initiating a new charge.

Subpoena-A legal document that tells a person he or she must appear in court as a witness.

Supreme Court-The court in which indictable matters are tried when the accused elects trial by Supreme Court judge or Supreme Court judge and jury, and the court where the most serious indictable offences are heard. The Appeals Division of the Supreme Court hears Provincial Court appeals.

Testimony-Spoken evidence given under oath by a witness during a legal proceeding.

Trial-A proceeding during which a judge, or a judge and jury, hears evidence and decides on the basis of that evidence whether an accused person is guilty or not guilty.

Voir Dire-A "trial within a trial." A hearing during the trial, out of the presence of the jury, where the judge decides whether specific evidence will be admitted.

Witness-A person who gives evidence in court.

If you have questions, don't hesitate to ask officials of the court for information. They are there to help you.

This pamphlet is for educational purposes only. Changes in the law and court procedure may outdate the information it contains. If you have a legal problem, you should contact a lawyer.

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P.O. Box 1207, Charlottetown, P.E.I. C1A 7M8
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September, 1985

changes initiated by the Victims Committee are carried out as planned on an ongoing basis. Such a function is included in the responsibilities of co-ordinators of victim services under the proposed Victim Assistance Programme.

Recommendation #18: Following the conclusion of the trial (including sentencing, if any) each subpoenaed Crown witness should be sent a letter from the office of the Crown Prosecutor informing them of the outcome of the trial, and thanking them for their co-operation.

When asked about this recommendation during the key informants survey in 1985, the Crown attorneys expressed disagreement with the recommendation. They believe that it would call into question the impartiality of witnesses who are seen as simply doing their duty by testifying in court. Although supervisory police officers agreed with the recommendation on principle, they saw thanking witnesses and informing them of the outcome of the trial as a role for the court system, not the police. Given the lack of general support for the recommendation, the Victims Committee was unable to proceed further with it.

Discussion of this recommendation led the Victims Committee to consider other needs and issues related to witnesses, particularly witness fees, separate waiting areas, and communication regarding change of plea, etc., so that witnesses do not waste time going to court unnecessarily.

The Committee recognized the need for a standard policy across the province regarding payment of witness fees. Upon request of the Committee, the researcher gathered the following information: statistics regarding witness fees and expenses from the Study for the Plannning of Victim Assistance Services on P.E.I.; the legislative mandate for payment of witness fees; and the payment practices of R.C.M.P. and municipal police. The resulting information sheet (Exhibit 12) was circulated to the Victims Committee and discussed at the June 14, 1985, meeting. The Victims Committee decided to take the matter of disparities in payment of witness fees to the P.E.I. Association of Chiefs of Police via Chief Macdonald.

Exhibit 12. Information on Payment of Witness Fees

Preliminary Information June, 1985

Witness Fees

Findings from Victims Study

Of 79 witnesses interviewed, 24(30.4%) did not receive witness fees (or had not received them at the time of the interview).

Of the witnesses who were employed at the time of the trial, 23 (35%) reported some loss of salary as a result of their court appearance. The average amount of loss reported was $89. with losses ranging from $15. to over $200. in one case.

Incidental expenses, e.g. child care or transportation were incurred by 14(18%) of the witnesses interviewed. The average amount of these expenses was approximately $19.

Legislative Mandate

The Criminal Code of Canada Sec. 772(1) lists fees that may be allowed to witnesses as $4.00 for each day attending trial and $ .10 for each mile travelled, each way, to attend court.

The Court Costs Act, R.S.P.E.I. 1974, Ch. C-26 lists witnesses fees as follows: basic - $10/half-day; expert $50/half-day; mileage $ .17/mile. This Act was repealed in 1974 when the County Court System changed to Provincial Court and no new legislation regarding witness fees has been introduced.

Information sources: Ray Moore, Legislative Counsel
Dorothy Kitson, Chief Court Clerk

Payment Practices

For all witnesses subpoenaed by the RCMP, witness fees are sent by mail from the Department of Justice. The rate is $10/half-day ($50/half-day for expert witnesses) plus mileage at .21/km.

Charlottetown Municipal Police pay witnesses at the same rate as the RCMP, but witnesses are only paid upon request and victims who serve as witnesses are not paid witness fees since their compensation comes in the form of seeing justice done to the individual who victimized them.

Summerside Municipal pays its witnesses at the rate of $20/half-day ($75/half-day for expert witnesses) plus expenses. At the time when they appear in court, witnesses are given a claim form which they present at Town Hall.

In a letter to the P.E.I. Minister of Justice and Attorney General dated March 18, 1987, the P.E.I. Association of Chiefs of Police suggested that the following fee schedule for witnesses be adopted across the province: $20 per half day; $40 per full day; $75 per half day for expert witness. On March 31, 1987, the Deputy Minister of Justice replied on behalf of the Minister that the Department is prepared to adopt the fee schedule as stated above.

The Victims Committee considered the need for separate waiting areas for Crown witnesses and improved communication of information to witnesses in the proposal for a Victim Assistance Programme. Victim/witness services are included within the responsibility of victim service co-ordinators as follows: ensuring that witness brochures are attached to subpoenas; assisting with contacting victims/witnesses regarding re-scheduling or change of plea in court cases; arranging for separate waiting areas for victims/witnesses; providing emotional support to victims/witnesses when required; working with community agencies to provide practical services including accompaniment to court, transportation, babysitting, or other practical services when needed.

Space in the courthouses across the province will be needed both for separate waiting areas for Crown witnesses and for offices for victim service co-ordinators. Utilization of courthouse space was under review early in 1987. In a memorandum to the Minister of Justice dated February 24, 1987, the Victims Committee requested that the above-noted need for courthouse space be considered.

D. **Committee to Co-ordinate Resources (#19)**

Recommendation #19: A working committee should be established to integrate and co-ordinate available community resources for the benefit of crime victims. Further, this committee should determine the resources necessary to maintain a viable and effective network of services to meet the needs of P.E.I.'s crime victims.

The Victims Committee has made considerable progress towards

implementing recommendations from the Study for the Planning of Victim Assistance Services on P.E.I. By bringing together representatives of most elements of the criminal justice system as well as community-based groups representing victim interests, by focusing on victims' concerns, and by discussing and initiating new policies, practices, and means of providing information, the Victims Committee has no doubt increased the level of communication and co-ordination among criminal justice personnel in regard to services for victims of crime. At the same time, this process has resulted in the identification of gaps in services and a recognition of the need for greater attention to the difficulties experienced by victims of crime, particularly those with special needs (e.g. victims of wife assault, sexual assault, and drinking and driving incidents; elderly victims; and child victims).

By working towards implementation of recommendations from the Study, the Victims Committee has made as much progress as possible towards integrating and co-ordinating services for victims, given the constraints imposed by its existence as a committee with no additional staff resources specifically allocated for co-ordinating or providing services. It seems somewhat unrealistic to expect a committee to perform this task without such staff resources.

Some frustration has been expressed by members of the Victims Committee that the need for staff to work specifically with and on behalf of victims was not identified in the Study for the Planning of Victim Assistance Services on P.E.I., rather than leaving it to the Committee to "determine the resources necessary to maintain a viable and effective network of services for victims." Perhaps changes would have come about more quickly and victims' needs would be more adequately met by this time if the Study had included a more specific recommendation for victim assistants.

On the other hand, through its work the Committee has gained an in-depth understanding of the gaps in services as well

as the areas where increased co-ordination and integration of existing services would be helpful to victims. Such information was not sufficiently clear from the results of the Study itself; attempts to establish new services without having gone through the process the Committee has undertaken may not have resulted in the most efficient and effective allocation of resources.

The need for staff resources to co-ordinate services for victims and to fill gaps in services has been identified both by the Victims Committee itself and through briefs presented to the Committee by community groups (i.e. Transition House Association, P.E.I. Rape & Sexual Assault Crisis Centre, Turning Point Group, and Mothers Against Drunk Drivers). Therefore, the Victims Committee initiated a Victim Assistance Feasibility Study to determine the resources needed, outline specific tasks to be carried out by staff, develop an approach to a criminal injuries compensation programme, and identify potential funding sources for a province-wide, system-wide victim assistance programme.

As mentioned earlier in this report, as part of the Victim Assistance Feasibility Study, a Discussion Paper was prepared and circulated to the Victims Committee and criminal justice personnel for their comments. A proposal for the ten-month developmental phase of a province-wide, system-wide victim assistance programme was then submitted to the federal Department of Justice; it was approved for funding in April, 1987.

The overall purpose of the proposed victim assistance programme is to co-ordinate and integrate available resources into a viable and effective network of services to meet the needs of victims of crime on P.E.I. This is to be accomplished through:

1) assisting criminal justice personnel and community agencies in their efforts to provide services to victims of crime;
2) assisting victims as needed throughout their contacts with the criminal justice system;
3) helping victims to access other needed services;

4) publicizing and assisting with the administration of a criminal injuries compensation programme;
5) by functioning in a liaison and co-ordinating role, helping to ensure that communication channels among criminal justice personnel and with crime victims are open and adequate.

The intention of the proposed victim assistance programme is not to duplicate or replace existing services to victims of crime, but to fill the gaps which have been identified and/or to assist criminal justice personnel with filling these gaps. Primary service activities will include:

1) Provision of information - assisting police, Crown attorneys, and probation officers by answering inquiries, providing case progress information, and ensuring that victims receive information they need about the courts, criminal justice system and community services.
2) Emotional support - short-term counselling, providing active listening and practical assistance to individuals suffering from trauma as a result of their victimization experience.
3) Referral to needed services - assessing which services a victim needs, making referrals, and following up to ensure the appropriateness of and satisfaction with the referral. This will include assessing the legal needs of wife assault victims and facilitating access to the appropriate resources, including Family Legal Aid, private lawyers, Crown attorneys, and Community Legal Information Association.
4) Assistance with financial reparation - including ensuring that information needed for possible ordering of restitution is available to the court, providing information to victims about the civil suit process or about Judgement Recovery Inc. in appropriate cases, publicizing and administering the criminal injuries compensation programme and assisting with the immediate financial needs of crime victims.
5) Working towards increased use of Victim Impact Statements in court - including information about financial loss, and any physical injury or emotional upset to the victim or victim's family.

6) Victim/Witness Services - including ensuring that witness brochures are attached to subpoenas, assisting with informing victims/witnesses about changes in court dates; arranging separate waiting areas for victims/witnesses; providing emotional support and additional information when required; and working with community agencies to provide practical services such as transportation or babysitting, as required.

7) Victim complaints - working, by means of established procedures, to ensure that legitimate victim complaints receive attention and action.

Priorities for referral by police and other agencies to the victim assistance programme will include: victims of domestic violence; victims of sexual assault, including incest; victims who have suffered physical injury; victims whose cases are proceeding through court; and other victims and families of victims suffering from discernable trauma (e.g., from drinking and driving incidents, robberies, etc.).

The Victim Assistance Programme will be under the supervision of the Director of Community & Correctional Services. During the ten-month developmental phase, a Senior Co-ordinator will work with an Advisory Committee to: develop legislation for criminal injuries compensation and a victim surcharge system; and to establish procedures for administration, referrals, complaints, case management, and staff training.

When the necessary legislative and administrative procedures are in place, the Victim Assistance Programme will move from the developmental phase to the operational phase. The five courthouses (Alberton, Summerside, Charlottetown, Georgetown, and Souris) will provide a decentralized operational base for victim services staff. In addition to the Senior Co-ordinator, two co-ordinators and two part-time secretaries will be hired to carry out programme activities as described above.

E. Police Training (#20)

Recommendation #20: Consideration should be given by

the province to the possibility of acting as a pilot test site for a comprehensive training program for police officers aimed at increasing the quality and range of services offered to crime victims.

In 1985, the Atlantic Police Academy developed a course training standard for a three-day victim service training programme. This course training standard was developed for the most part independently of the Victims Committee and is oriented towards in-service training for designated officers from across the Atlantic Region. While this training programme may prove to be a valuable adjunct to a more comprehensive approach, it is not designed to fulfill recommendation #20. For the province to act as a pilot test site it would be necessary to provide a training programme across the board to all officers who work with victims of crime from all four municipal departments and seven R.C.M.P. detachments across P.E.I.

Because it is not anticipated that any of the eleven police departments/detachments on P.E.I. will establish their own victim service units, the appropriate model for police training seems to be a "generalist" approach. This approach requires that each officer be responsible for providing immediate support as well as information and referral to crime victims. The Victims Committee's efforts in working with the police to implement certain recommendations fit well with the generalist model in that these efforts are directed towards modifying existing practices and policies. When the Victim Assistance Programme becomes operational, each officer will be responsible for liaison with programme staff.

The need for a course training standard which would fit the generalist approach and which could be adapted for use with all police on P.E.I. was discussed at several Victims Committee meetings and brought to the attention of Cathy Bragg, Senior Research Officer, Causes & Prevention Research, Solicitor General Canada (also the Scientific Authority for the Victims Monitoring & Evaluation Study). Cathy Bragg provided the Victims Committee with several copies of a draft (dated November, 1986) "Victim Response Course" prepared by J. Muir and R. Van Raamsdonk in Calgary under contract with Solicitor General Canada.

The draft "Victim Response Course" was reviewed by the Police Sub-committee (Phil Arbing, Director of Community & Correctional Services; Sgt. Hal Marshall, R.C.M.P.; Chief W.J.R. Macdonald, P.E.I. Association of Chiefs of Police; and the researcher). The Victim Response Course includes seven modules: Overview of Criminal Victimization; Elderly Crime Victims; Victims of Spouse Abuse; Child Victims of Abuse, Neglect & Sexual Abuse; Victims of Sexual Assault; Property Crime Victims; and Families of Homicide Victims/Death Notification. The police sub-committee approved the content of the modules and the training approach described in the Victim Response Course.

After discussion of practical planning approaches (instructor, times and places of the training sessions, etc.), the sub-committee decided to discuss the Victim Response Course with the P.E.I. Association of Chiefs of Police. Copies of the curriculum were distributed at the Association meeting of April 16, 1987. Further implementation of this recommendation will be carried out by Phil Arbing in co-operation with the Association of Chiefs of Police and possibly Solicitor General Canada.

V. CONCLUSION

A. Overview of Committee's Work

1. SUMMARY OF ACHIEVEMENTS

Some procedural and policy changes recommended in the Study for the Planning of Victim Assistance Services on P.E.I. occurred prior to or independently of the Committee's work. These include: police identifying wife assault cases separately from other assaults; Social Services initiating a policy of providing transportation to Anderson House; and the policy of police laying charges in wife assault cases.

As this report documents, the P.E.I. Committee on Victims of Crime has accomplished many tasks during its three years of existence. Policy and procedural changes initiated by the Committee include: improvements in the disbursement of payments and information to victims regarding restitution; implementing policy guidelines for photographing evidence and returning recovered property to victims; priorizing court cases involving victims, particularly victims of violent crime; and the adoption of a standard witness fee structure across the province.

In addition to initiating policy and procedural changes, the P.E.I. Committee on Victims of Crime has developed materials designed to assist victims/witnesses, including police cards, the Directory of Services for Victims of Crime, and the "Guide for Witnesses." The Committee worked in conjunction with Community Legal Information Association to develop and distribute the services directory and witness brochure.

On a less tangible level, the work of the P.E.I. Committee on Victims of Crime has contributed to an increased awareness of victims' rights and needs on the part of criminal justice personnel, service providers, and the general public. This has been accomplished through an ongoing process of

consultation and communication. Highlights of this process have included: the series of public workshops held across P.E.I. during the spring of 1986; the Consultation with Senior Justice Personnel in November, 1986; media interviews, and presentations on victims' issues at various meetings, workshops, forums, lecture series, etc., by several members of the Victims Committee.

2. WORK STILL IN PROGRESS

Many of the tasks not fully completed by the Victims Committee are part of the proposed Victim Assistance Programme. These include: developing and administering a Criminal Injuries Compensation programme; improving provision of case progress information to victims and court-related information to victims/witnesses; ensuring that changes initiated by the Victims Committee are carried out, e.g. that witness brochures are attached to subpoenas; encouraging police to distribute police cards, use the Directory of Services to refer victims to needed services, and distribute the "What Battered Women Should Know About the Law" brochure; encouraging and making referrals to Turning Point and other agencies as needed; and improving communications between court levels when victims of wife assault are dealing with both Provincial Court and Family Court.

Recommendation #2 (police training) is under consideration by the P.E.I. Association of Chiefs of Police. Other matters not completed, e.g. review of legal aid, protection for wife assault victims, and consistent application of the police charging policy in wife assault cases, have been referred to the P.E.I. Minister of Justice for further action.

3. POSITIVE FACTORS

Committed people and good process are two essential factors contributing to the achievements of the P.E.I. Committee on Victims of Crime. Critical to the Committee's success

has been the commitment of key people on the Committee and in government to initiate changes for the benefit of crime victims. The management and planning abilities of some Committee members helped in organizing the tasks at hand, particularly in the early stages of the Committee's work. Each member of the Committee brought information and a perspective based on his/her work experience and position and, when appropriate, used that position to implement new practices and procedures.

The process used by the Victims Committee maximized input from other criminal justice personnel, community groups and the general public. A conscious effort was made, through meetings, workshops, and consultations, to bring in ideas and information and to build awareness about victims' needs and rights.

Although the Committee was primarily task-oriented in accordance with its mandate, meeting agendas allowed time for open discussion of attitudes and opinions. Because of the wide range of perspectives represented on the Committee, it was important that Committee members were able to agree to disagree at times. Informality of the meetings, particularly breaking for lunch together, helped to break down barriers which could potentially have been disruptive.

The process of implementing recommendations from the Study for the Planning of Victim Assistance Services on P.E.I. often meant refining and revising the recommendations. As more information came forward and the issues around a particular recommendation were studied, the Committee sometimes decided to take different action from that suggested in the original recommendation. Recommendation #1 is an example: the recommendation suggested that restitution be ordered and enforced whenever possible. Further research indicated that restitution was being ordered and enforced at acceptable levels, but that disbursement methods and

information to victims could be improved. The Committee then took action based on this additional information.

The Committee's decision to begin with concrete tasks first, then deal with more complex matters later, was a wise one because completion of some tasks gave the Committee a sense of accomplishment. The use of sub-committees for specific tasks was extremely important to this process.

As the Committee continued with its work, periodic review was helpful in assessing those tasks which had been completed and those which still required further discussion and action. The working pages were a valuable aid for this periodic review and updating.

Throughout its duration, the Victims Committee was always conscious of the province-wide scope of its activities. Because the province includes five court jurisdictions and eleven police detachments/departments, the Committee's work was much more complex than it would have been if dealing with only one court jurisdiction and one police force. Nevertheless, the Committee attempted to ensure that new policies and procedures were communicated to all personnel affected and also attempted to standardize some practices province-wide, e.g. the witness fee structure and disbursement of restitution payments.

The Victims Committee avoided working in isolation from related activities across the country. It attempted to glean what it could from the experiences of other areas and apply this learning to its work. The process of seeing its activities as part of the larger scheme of things was assisted by three factors: 1) the involvement of some Victims Committee members (Phil Arbing, Julie Dodd, and Linda Trenton) on sub-committees of the Federal/Provincial Working Group on Victims of Crime; 2) the input of representatives of the Consultation Centre (Atlantic) and

the Programs Branch, Solicitor General Canada; and 3) a meeting and discussion (particularly regarding criminal injuries compensation) with representatives of the Federal Department of Justice.

4. DIFFICULTIES ENCOUNTERED

In hindsight, the activities and strategies adopted by the P.E.I. Committee on Victims of Crime seem to have evolved in a logical sequence. Yet, the Committee operated in an open-ended manner, with no time-frame and no deadline for tasks to be completed, although suggestions of what could be done were discussed at early meetings. This lack of a definite end in sight, coupled with turnover in the Committee's membership, may have contributed to decreasing meeting attendance and a seeming loss of momentum during the last year of the Committee's work.

Another factor which caused some frustration to the Committee was that, while it could initiate procedural or policy changes, there was no mechanism in place to ensure that the changes worked their way down through the system. What happened with the witness brochure, for instance, is an example of a breakdown in communication somewhere along the line. Considerable effort was put into producing the "Guide for Witnesses" and, as far as the Committee knew, the distribution process was in place. However, one year later the witness survey indicated that the brochures were attached to subpoenas in only a small percentage (8%) of cases. The Committee's work might have been more productive and less frustrating if staff had been assigned to assist with implementing recommendations and to serve a "watchdog" function. This would have ensured that changes initiated by the Committee were carried out.

B. Guidelines for Future Efforts

The following guidelines, based on the experiences of the P.E.I. Committee on Victims of Crime, may be of assistance to others

attempting to initiate improvements for crime victims by using a co-ordinating committee approach.

- Most of the recommendations contained in the Study for the Planning of Victim Assistance Services for P.E.I. are general enough to be used as a starting point for other localities interested in improving the criminal justice system response to victims of crime. A co-ordinating committee could investigate the local situation concerning each recommendation, incorporate any additional concerns which come to light during this research, modify the recommendations to suit the local situation, and then decide how best to approach the needed changes.

- The initial research to assess the local situation does not need to be an elaborate undertaking. All that is required is a straightforward fact-finding effort. Discussion among Committee members should provide some information about policies and procedures as well as a sense of additional questions that need to be asked. A search of court and/or police records for statistics around particular questions (e.g. ordering and enforcing restitution, charging practices in wife assault cases), interviews with key informants (police, judges, Crown attorneys, court clerks), and possibly brief victim/witness surveys, should yield sufficient information to enable the committee to establish priorities and a plan of action.

- The committee should realistically assess the staff resources necessary to provide: executive assistance to the committee (including taking minutes, arranging meetings, writing letters, etc.); research as noted above and additional information about policies and procedures in other localities; public relations, including media interviews and presentations to other groups upon request; assistance with initiating changes and following through with the appropriate personnel to ensure that the changes are carried out; and assistance with assessing available resources, co-ordinating services to victims of crime, and filling any gaps in services identified through this process.

- It is best to keep the co-ordinating committee to a manageable size (the suggested range is 10-18 members). Representation should be invited from all components of the criminal justice system (police, judiciary, court clerks, Crown attorneys, probation, etc.) and from key government and community agencies which represent the interests of the different types of crime victims. Non-involvement of any of the criminal justice components or key agencies can mean that a valuable perspective and source of information will be missing. Committee members, particularly the Chair, should be in positions of authority so that they can ensure that suggested changes are implemented. Geographic representation may be an additional factor to consider.

- The committee's mandate, terms of reference, and reporting function should be clearly stated and should be understood by all committee members. Establishment of the committee by an elected official such as the Minister of Justice provides legitimacy and authority to the committee's work, as well as ensuring the government's co-operation in and commitment to the change process.

- Although the co-ordinating committee will be primarily task-oriented, group process will be important to its functioning. Meeting agendas should allow sufficient time for open discussion of issues that arise. Small group discussions and an informal atmosphere help to set a positive tone, especially when Committee members represent diverse interests and perspectives.

- As soon as the committee has completed its investigation of the local situation vis a vis the list of recommendations, it should establish a work plan and time frame for carrying out its tasks. The work plan and time frame should be periodicall reviewed and updated so that the committee can assess its progress. Working pages, such as those used by the P.E.I. Committee on Victims of Crime, may be helpful to this process.

- Sub-committees, formed to work on specific tasks, are a definite asset. These sub-committees should report regularly to the co-ordinating committee.

- A core group, consisting of at least the Chair and staff person(s), should be prepared to assist and guide the work of the co-ordinating committee by planning agendas, providing background information, putting forward suggestions, etc.

- Changes take time, commitment, and a spirit of co-operation. When dealing with many matters at once, each affecting the broad spectrum of crime victims to varying degrees, the committee will need to maintain a perspective that each change, in and by itself, may not have a major impact. However, the cumulative effect, over time, of many changes to benefit crime victims should make the effort worthwhile.

C. **Concluding Comments**

The work of the P.E.I. Committee on Victims of Crime is part of a process which began with the Study for the Planning of Victim Assistance Services on P.E.I. and will continue with the development of the proposed Victim Assistance Programme. Through the process of examining the criminal justice system's response to victims of crime, implementing changes where possible, and pin-pointing additional improvements needed, the Victims Committee has laid the groundwork for further efforts. This extensive planning process should contribute substantially to the effectiveness of the Victim Assistance Programme. Any assessment of the committee's work must view it within this larger context and recognize that the full impact of changes initiated by the Victims Committee may not be realized for some time.

This report demonstrates that the Victims Committee has shown commitment, persistence, and flexibility as it proceeded with the tasks at hand. For the most part, the P.E.I. Committee on Victims of Crime has accomplished what it set out to do for the benefit of crime victims on P.E.I.

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APPENDIX "A"

P.E.I. COMMITTEE ON VICTIMS OF CRIME

July, 1984 - June, 1987

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